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and the

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CHAPTER 918

An act to amend Section 2019 of the Code of Civil Procedure, relating to discovery in civil cases.

[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 2019 of the Code of Civil Procedure is amended to read:

2019. (a) (1) A party desiring to take the deposition of any person upon oral examination shall give notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. Such notice must be at least 10 days, adding also one day for every 300 miles of the distance of the place of examination from the residence of the person to whom the notice is given, except that on motion of any party, with or without notice, and for good cause shown, the court may enlarge or shorten the time, or may stay the taking of the deposition until the hearing and determination of a motion for an order pursuant to subdivision (b) of this section. Service of such notice or motion may be made upon any party or his attorney in the manner provided in Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of this code.

(2) Notwithstanding Section 1989 and the distance provisions specified in paragraph (4) of this subdivision, the deposition, whether of a party or any other person, shall be taken only in the county of residence of the deponent or at a place not more than 75 miles from the residence of the deponent or, if the deponent is a party, in the county of place of trial when the place of deposition is less than 150 miles from the residence of the deponent, unless the court, pursuant to paragraph (1) or (2) of subdivision (b) of this section, otherwise orders. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions.

(3) If an adverse party is in default for not appearing within the time allowed by the law or the court, or if, in a special proceeding, some or all of the parties interested have not appeared, a deposition may be taken without the giving of any notice to the party so in default or not appearing; and in any case on motion of any party, with or without notice, and for good cause shown, the court may authorize the taking of a deposition without the giving of notice to parties who have not been served with summons.

(4) In the case of depositions of a party to the record of any civil action or proceeding or of anyone who at the time of tak-

ing the deposition is an officer, director or managing agent of any such party, the service of a subpoena upon any such deponent is not required if proper notice of the taking of such deposition is given to the attorney for such party or to the party, if he has no attorney. In the case of depositions of a person for whose immediate benefit an action or proceeding is prosecuted or defended or of anyone who at the time of taking the deposition is an officer, director or managing agent of any such person, the service of a subpoena upon any such deponent is not required if proper notice of the taking of such deposition is given to the attorney of the party prosecuting or defending the action or proceeding for the immediate benefit of the deponent or to such party, if he has no attorney. A notice to take the deposition of a person described in this paragraph cannot require the attendance of such person at a place more than 150 miles from the residence of such person, unless the party desiring to take such deposition first obtains an order pursuant to the provisions of paragraph (2) of subdivision (b) of this section.

(b) (1) Upon motion seasonably made by any party or by the person to be examined and upon notice, or upon the court's own motion and after giving counsel an opportunity to be heard, and in either case for good cause shown, the court in which the action is pending may make an order that the deposition shall not be taken, or that it may be taken only at some designated time or place other than stated in the notice of taking the deposition, or that the deposition may be taken outside the county of residence and at a place more than 75 miles and less than 150 miles from the residence of the deponent in cases not provided for by paragraph (2) of subdivision (a) of this section, or that it shall not be taken except by allowing written interrogatories by one or more parties, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed the deposition shall be opened only by order of the court, or that secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court; or the court may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. In granting or refusing such order the court may impose upon either party or upon the witness the requirement to pay such costs and expenses, including attorney's fees, as the court may deem reasonable.

(2) Notwithstanding Section 1989, the court may, upon motion on 10 days' written notice and for good cause shown, make an order requiring a deponent who is a party to the record of any civil action or proceeding or is a person for whose immediate benefit said action is prosecuted or defended

or is at the time of the taking of the deposition an officer, director or managing agent of any such party or person to attend a deposition at a place more than 150 miles from the residence of such deponent. In granting or refusing such order, the court shall consider whether the moving party selected the forum, whether the deponent will be present at the trial, the convenience of the deponent, the suitability of discovery through a deposition by written interrogatories or other discovery methods, the number of depositions sought under this section, the expense to the parties of requiring the deposition to be taken within 150 miles of the residence of the deponent, the whereabouts of the deponent at the time the deposition is scheduled to be taken, and all other factors tending to show whether or not the interests of justice and the convenience of the parties and witnesses will be served by requiring the deponent to appear for his depositioin at a place more than 150 miles from his residence. Such order may provide that the party desiring to take such deposition shall pay the reasonable expenses incurred by the deponent in attending such deposition and that he furnish an undertaking approved by the court to secure such payment and may contain such other terms and conditions as are equitable and just.

(c) The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

(d) At any time during the taking of the deposition, on motion of any party or of the deponent, or upon the court's own motion and after giving counsel an opportunity to be heard, and in either case upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending or the superior court in the county where the deposition is being taken may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in subdivision (b) of this section. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending. Upon demand of the objecting party or deponent, the taking of the deposition shall be sus-

pended for the time necessary to make a motion for an order. In granting or refusing such order the court may impose upon either party or upon the witness the requirement to pay such costs or expenses, including attorney's fees, as the court may deem reasonable.

(e) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress under subdivision (d) of Section 2021 of this code the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(f) (1) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly file it with the court in which the action is pending or send it by registered mail to the clerk thereof for filing.

(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(3) The party taking the deposition shall give prompt notice of its filing to all other parties.

(g) (1) If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving the notice to pay such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

(2) If the party giving the notice of the taking of a deposition of a witness fails to serve a subpoena upon him and the witness because of such failure does not attend, and if another party attends in person or by attorney because he expects the deposition of that witness to be taken, the court may order the party giving the notice to pay to such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

CHAPTER 919

An act to amend Sections 13189, 13190, and 13192 of the Education Code, relating to teaching credentials.

[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 13189 of the Education Code is amended to read:

13189. The minimum requirements for the standard teaching credential with a specialization in elementary teaching shall be all requirements specified in (a), (b), either (c) or (d), and (e):

(a) Five years (with the fifth year to be completed within seven years of the first employment of the certificated employee in elementary teaching), or its equivalent of university or college education.

(b) A baccalaureate degree or higher degree from an institution approved by the State Board of Education.

(c) One of the following:

(1) A major in an academic subject matter area commonly taught in the public elementary schools. The State Board of Education may define a diversified major in academic subject areas commonly taught in the public elementary schools to fulfill this requirement.

(2) A major and a minor, each of which is in a subject matter area commonly taught in the public elementary schools, and one of which is in an academic subject matter area. Specialized preparation may be substituted for the minor when the major is in an academic subject matter area.

(3) Two minors in subject matter areas commonly taught in the public elementary schools and a major, other than education and educational methodology, not commonly taught therein. If the major is not in an academic subject matter area, each minor shall be in an academic subject matter area. If the major is in an academic subject matter area, one of the minors shall be in an academic subject matter area. Specialized preparation may be substituted for one of the minors.

The State Board of Education shall adopt regulations defining the terms "major" and "minor" for the purposes of this subdivision (c).

(d) A diversified major, hereby declared to be an academic subject matter major, totaling 88 semester hours of coursework in the enumerated subject matter areas, with a minimum of 21 semester hours in each of the first four areas. Four semester hours of coursework meets the health science requirement.

(1) English, including grammar, literature, composition, and speech.

(2) Mathematics and the physical or life sciences.

(3) Social sciences (other than education and education methodology).

(4) Humanities and fine arts, including foreign language.

(5) Health science.

Coursework in the listed fields taken in fulfillment of any other requirements that may be specified by the State Board of Education pursuant to subdivision (e) shall be credited toward this major. Notwithstanding any additional requirements as may be prescribed by the State Board of Education, the academic subject matter requirements set forth in this subdivision (d) shall constitute the total of such requirements for the standard teaching credential with a specialization in elementary teaching and with a diversified major as defined in this subdivision (d).

(e) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent in teaching experience. Such additional requirements shall include provisions for specialized preparation whenever the credential authorizes any service described in Section 13188(b).

(f) All public institutions of higher learning authorized to recommend the issuance of the standard teaching credential with specialization in elementary teaching shall offer courses meeting the minimum state requirements for professional preparation, including student teaching, in the upper division of their course offerings.

SEC. 2. Section 13190 of the Education Code is amended to read:

13190. The standard teaching credential with a specialization in elementary teaching shall authorize the holder to:

(a) Teach, in kindergarten or grades 1 to 9, inclusive, except courses in special education, as follows:

(1) A person with an academic major may teach any subject in kindergarten and in grades 1 to 9, inclusive, in a self-contained class. He may teach in a departmentalized class in grades 7, 8, and 9 any subject in which he has 18 semester hours of coursework when the governing board of the district maintaining such grades by resolution specifically authorizes him to teach the subject. The authorization of the governing board shall remain valid for one year and may be renewed annually.

For the purposes of this section: a "self-contained class" is a class in which most of the subjects in one grade are taught by one teacher; and a "departmentalized class" is a class in which one subject or one group of closely related subjects, is taught by one teacher.

(2) A person with other than an academic major may teach in kindergarten or in grades 1 to 9, inclusive, only in subject matter areas in which he has a major or a minor.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in kindergarten or in grades 1 to 14, inclusive, any courses in an area in which the holder has completed specialized preparation.

(d) Serve as a librarian in an elementary school, junior high school, high school, or junior college, if the holder has completed the specialized preparation area of librarianship.

(e) Teach, in continuation education classes or in continuation high schools, elementary level reading.

SEC. 3. Section 13192 of the Education Code is amended to read:

13192. The standard teaching credential with a specialization in secondary teaching shall authorize the holder to:.

(a) Teach, in grades 7 to 12, inclusive, any course, except in special education, in which the holder has completed a subject matter major or subject matter minor.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in kindergarten and grades 1 to 14, inclusive, any courses in which the holder has completed a specialized area of preparation.

(d) Teach, in grades 7 to 12, inclusive, any courses, except courses in special education, that the governing board of the district maintaining such grades specifically authorizes the holder to teach by resolution adopted by the board; except that a holder may teach only any of those subjects commonly taught in the public high schools in which he has completed 18 or more semester hours of coursework. Such authorization shall remain valid for one year. The authorization may be renewed annually by resolution of the the governing board.

(e) Teach, in grades 13 and 14 any course, except courses in special education, in which the holder has completed a subject matter major or minor that the governing board of the district maintaining such grades specifically authorizes the holder to teach by resolution adopted by the board. Such authorization shall remain valid for one year. The authorization may be renewed annually by resolution of the governing board.

(f) Serve as a librarian in an elementary school, junior high school, high school, or junior college, if the holder has completed the specialized preparation area of librarianship.

Nothing in this section shall be construed to prohibit the holder of a standard credential specializing in secondary teaching with a major or minor in music or art, from teaching music or art in the elementary grades of a school district.

CHAPTER 920

An act making an appropriation for development of a species plan for bighorn sheep.

[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. There is hereby appropriated from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, the sum of nineteen thousand nine hundred fifty-five dollars ($19,955) to the Department of Fish and Game for investigations relating to bighorn sheep herds and development of a detailed species plan for bighorn sheep as specified in Senate Concurrent Resolution No. 43 of the 1968 Regular Session of the Legislature.

CHAPTER 921

An act to amend Section 11451 of the Education Code, relating to junior college attendance.

[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 11451 of the Education Code is amended to read:

11451. The units of average daily attendance of pupils resident of a junior college district enrolled in 13th- and 14th-grade courses, exclusive of adults as defined in Education Code Section 6352, shall be computed in the following manner:

(a) For the first semester by dividing by 30 the sum of the total number of whole and partial class hours of regularly enrolled pupils' attendance as recorded for the fourth week of five or six consecutive schooldays of the semester and for the first week of five or six consecutive schooldays in December.

(b) For the second semester by dividing by 30 the sum of the total number of whole and partial class hours of regularly enrolled pupils' attendance as recorded for the fourth week, or for the first week, thereafter, containing five or six consecutive schooldays of the semester and for the last week of five or six consecutive schooldays next preceding April 15th.

(c) By computing the mean average of the quotients derived under (a) and (b).

Attendance of such pupils in classes held on Saturday shall be used in the computation of average daily attendance only for courses which are recognized upon transfer to an accredited college or university and any vocational education course, provided that any such course is also conducted for at least two class hours on separate days during the regular five-day school week.

CHAPTER 922

An act to amend Section 30100 of the Streets and Highways Code, relating to toll tunnels.

[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 30100 of the Streets and Highways Code is amended to read:

30100. Whenever in the opinion of the authority and of the department it is necessary or desirable so to do, the authority shall authorize and direct the department to build or acquire for and in the name of the state any or all of the following:

(a) Toll bridges, tubes or other toll highway crossings across water, bays, arms of bays, straits, rivers, and streams in California, both navigable and unnavigable, or across any stream that is a boundary line between California and any other state, or toll tunnels through mountains in California.

(b) Transportation facilities of any toll bridges or toll highway crossings constructed or acquired or to be constructed or acquired pursuant to this chapter.

(c) Additional transportation facilities connecting or coordinated with any such toll bridge or other highway crossing or the transportation facilities thereon.

The authority may authorize and direct the department to pay for any such construction or acquisition out of any funds provided or made available by this chapter. Whenever a project consists of a tube or tunnel which will accommodate traffic served by a privately owned ferry the authority may acquire such ferry.

CHAPTER 923

An act to add Chapter 5 (commencing with Section 31100) to Division 17 of the Streets and Highways Code, relating to the El Dorado County Toll Tunnel Authority.

[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 5 (commencing with Section 31100) is added to Division 17 of the Streets and Highways Code, to read:

CHAPTER 5. EL DORADO COUNTY TOLL TUNNEL AUTHORITY ACT

Article 1. General Provisions

31100. This chapter may be cited as the El Dorado County Toll Tunnel Authority Act.

31101. Unless the particular provision or the context otherwise requires the general provisions set forth in this article govern the construction of this chapter.

31102. "Authority" means the El Dorado County Toll Tunnel Authority.

31103. "Toll tunnel" means the tunnel from U.S. Highway 50 in the vicinity of Twin Bridges to U.S. Highway 50 in the vicinity of Meyers which the authority is authorized to finance, construct, operate, and maintain as a toll facility pursuant to this chapter, and includes all appurtenances and additions, alterations or improvements thereto or replacements thereof, and the approaches to each end thereof, including any necessary connections with U.S. Highway 50, all lands and interest therein used therefor, and buildings and improvements thereon.

31104. "Bond" means any written evidence of indebtedness which the authority may issue pursuant to this chapter in order to secure funds with which to carry out the purposes of this chapter.

31105. Nothing in this chapter prevents the state from making appropriations from time to time in aid of the construction pursuant to this chapter of the toll tunnel or property, franchises, or rights appurtenant thereto or for the purpose of making preliminary surveys, plans, and estimates of the cost thereof, and meeting other preliminary expenses as the Legislature deems proper.

Article 2. Organization of the Authority

31110. The El Dorado County Toll Tunnel Authority is hereby created. The authority shall be governed by a board consisting of the members of the Board of Supervisors of El Dorado County.

31111. All of the members of the authority shall serve thereon without compensation, but they shall receive their necessary actual traveling expenses incurred in the discharge of their duties.

31112. A majority of the members of the authority may act for the authority.

31113. The authority may employ a secretary, a treasurer, an attorney, a chief engineer, and such other persons as are necessary to enable it properly to perform the duties imposed upon it by this chapter.

31114. The authority may sue and be sued in the name of the El Dorado County Toll Tunnel Authority.

31115. The authority shall select one of its members to serve as chairman of the authority.

Article 3. General Powers and Duties of the Authority

31120. The authority may study the feasibility of, plan, design, finance, construct, operate, and maintain a tunnel from

U S. Highway 50 in the vicinity of Twin Bridges to U.S. Highway 50 in the vicinity of Meyers.

The authority shall require that any tunnel constructed shall meet state highway standards.

31121. The authority shall fix the rates of toll and other charges for the toll tunnel.

31122. The authority in establishing toll charges shall give consideration to the cost of operating and maintaining the toll tunnel, including the cost of insurance, and to the amount required annually to meet the redemption of bonds and interest payments thereon. At all times the tolls and charges shall be fixed at rates to yield annual revenue equal to annual operating and maintenance expenses, including insurance costs, and all redemption payments and interest charges of the bonds issued for the toll tunnel as they fall due.

31123. Toll charges so fixed may be changed from time to time as conditions warrant.

31124. The authority may do such acts and make such agreements not inconsistent with laws as are necessary or desirable in connection with the duties and powers conferred upon it by law regarding the construction, maintenance, operation, and insurance of the toll tunnel or the safeguarding of the funds and revenues required for such purposes and the payment of the indebtedness incurred therefor.

31125. The authority, through such engineers or experts as it may employ, shall design the toll tunnel, and may build it or any portions of it either by its own employees or by contract with any person. The cost of the toll tunnel shall be paid from the proceeds of bonds issued and sold pursuant to this chapter, or from contributions or appropriations from other sources as provided in this chapter.

31126. The authority shall keep full, complete, and separate accounts of the toll tunnel and annually shall prepare balance sheets and income and profit and loss statements showing the financial condition of the toll tunnel. The statements shall be open to the inspection of holders of bonds issued by the authority at all reasonable times.

31127. The authority may issue permits for the use of the toll tunnel on a credit basis. The holder of such a permit shall furnish to and maintain in force with the authority a cash deposit or a corporate surety bond, in an amount equal to twice the authority's estimate of the toll charges to be incurred under such permit during one month.

31128. The authority may require the holder of such permit to increase the amount of cash bond, or to furnish an additional surety bond, or may reduce the amount of the cash bond or surety bond required, as the amount of charges incurred and regularity of payment warrant, or may revoke any permit granted for failure of the holder to comply with its terms.

31129. The authority may also require the holder of any such permit to pay a fee of not to exceed five dollars ($5) a

month to cover printing and other overhead expense, the proceeds thereof to be deposited in the fund from which such expenses are paid.

31130. When necessary to facilitate movement of traffic, the authority may limit the use of the toll tunnel on a credit basis to particular classes of vehicles.

31131. The authority may adopt rules and regulations not inconsistent with the Vehicle Code for the control of traffic in the toll tunnel, to aid and insure the safe and orderly flow of traffic, and shall so far as practicable notify the public of such rules and regulations by signs placed along the route of the toll tunnel.

31132. The California Highway Patrol shall have the authority and it shall be its duty to provide for proper and adequate policing of the toll tunnel, to insure the enforcement thereon of the Vehicle Code and rules and regulations adopted by the authority pursuant to Section 31131, and to cooperate with the authority, to the end that the toll tunnel be operated at all times in such a manner as to carry traffic efficiently.

All required accident and supplemental reports, and all other reports made to the California Highway Patrol by any peace officer or employee of the Department of Motor Vehicles relative to accidents and incidents occurring on property of the authority shall be immediately available for the confidential use of the authority.

Article 4. Bonds

31140. Whenever the authority determines that it is for the best interests of the public highways in the state that the toll tunnel be constructed and operated by the authority, based upon preliminary estimates of the cost of construction thereof, an estimate of the amount required to be raised for that purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials, or labor to be contributed from other sources in aid of the construction prepared by its staff, it shall adopt a resolution declaring that public interest and necessity require the construction of the toll tunnel and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for the construction thereof.

31141. All bonds authorized pursuant to this chapter shall be issued in the name of the authority and shall constitute obligations of the authority only. Such bonds shall be identified as toll tunnel bonds and shall contain a recital on the face thereof that the payment or redemption of the bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the toll tunnel, and that neither the payment of the principal or any part thereof or any interest thereon, constitutes a debt, liability, or obligation of the state or of El Dorado County.

31142. The authority shall determine the form, conditions, and denominations of all bonds, the dates which the bonds to be sold shall bear, and the interest rate thereon which shall not exceed 6 percent per annum. The rate of interest need not be uniform for all bonds of the same authorized issue. Principal and interest of the bonds shall be payable at such places as are fixed and determined by the authority. The bonds may contain provisions for registration as to principal only and as to both principal and interest. The bonds shall be issued in coupon form with interest payable at such times as are determined by the authority, and shall mature at such times and in such amounts as the authority prescribes.

31143. The authority may provide for the retirement of the bonds at any time or times prior to their maturity, in such manner and upon payment of such premiums as may be fixed and determined in the proceedings providing for the issuance of the bonds and referred to therein.

31144. All bonds shall be signed by the treasurer and countersigned by the chairman. The signatures of the treasurer and the chairman may be by facsimile, but said bonds shall be authenticated by such signatures as the bond resolution or indenture may require. All interest coupons shall bear the facsimile signature of the treasurer. In case any officer whose signature or countersignature appears on the bonds or coupons ceases to hold his office before the delivery of the bonds to the purchaser, his signature or countersignature is nevertheless valid and sufficient for all purposes the same as if he had remained in office until the delivery of the bonds.

31145. All revenue bonds authorized pursuant to this chapter may be issued and sold by the authority from time to time and in such amounts as the authority deems necessary to provide sufficient funds for the purposes for which the bonds were authorized, including the payment of interest on the bonds during the period of actual construction, and for a period of six months thereafter, and the proceeds thereof are available for those purposes.

31146. Bonds authorized pursuant to this chapter may be sold below the par or face value thereof, but the sale price shall not be less than that which will yield the purchaser 6 percent a year according to standard tables of bond values, and shall include the interest which has accrued thereon up to the date of delivery of the bonds.

31147. Successive issues of bonds within the limits of the original authorization for the issuance of bonds for the acquisition or construction of the toll tunnel shall have equal preference with respect to the redemption thereof and the payment of interest thereon, but the authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization.

31148. All bonds issued and sold pursuant to this chapter shall be sold on sealed proposals to the highest and best bidder

after such advertising for bids as the authority deems proper. The authority may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale under such terms and conditions as it deems most advantageous to its own interest, but the bonds shall not be sold at a price below that of the best bid which was rejected.

31149. Temporary or interim bonds, certificates, or receipts, signed by the treasurer, of any denomination whatever and with or without coupons attached thereto, may be issued and delivered until the definitive bonds are executed and available for delivery.

31150. The purchase price of all bonds issued pursuant to this chapter shall be paid to the treasurer for the account of the authority.

31151. The authority may include in the proceedings authorizing the issuance of bonds any provisions not inconsistent with this chapter which limit, restrict, or regulate the holding, deposit, investment, and application of money consisting of the proceeds from the sale of the bonds or the tolls and other revenues received from the operation of the toll tunnel, and such provisions shall constitute a contract with the holders of the bonds and be binding upon the authority as long as the bonds are outstanding.

31152. The authority may provide in the proceedings authorizing the issuance of bonds for the setting up of one or more reserve funds out of the proceeds of the bonds or out of the tolls and other revenues not needed for the payment of interest on the bonds and the principal of the bonds as they currently mature, and for the preservation and continuance thereof in a manner to be provided therein, and may also require the immediate application of all surplus money in any such toll revenue fund to the retirement, by call or purchase, of the bonds prior to maturity in such manner and upon such terms and the payment of such premiums as the authority deems advisable.

31153. The authority may provide in the proceedings authorizing the issuance of bonds, or may otherwise agree with the purchasers of bonds, regarding the deposit of all money constituting the Acquisition and Construction Fund and the Toll Revenue Fund, and may provide for the deposit of such money at such times, with such depositaries or paying agents, and upon the furnishing of such security as may meet with the approval of the purchasers of the bonds. The depositaries and security provided for or agreed upon, however, shall be qualified and eligible in accordance with law.

31154. The authority may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this chapter, and the purchase and carrying of such insurance shall thereupon be obligatory upon the authority and be paid for out of the Toll Revenue Fund as may be specified in the proceedings.

31155. Whenever any bonds are to be issued pursuant to this chapter, the authority, from time to time, upon such terms and conditions in all respects as it approves and consistently with this chapter, may enter into indentures or agreements containing any or all of the following provisions:

(a) Providing for the amount, form, maturities, registration, and transfer and interchange of the bonds and coupons and the terms and conditions upon which they shall be issued, sold, paid, retired, funded, and refunded.

(b) Providing for a sinking fund for the bonds and designating a trustee or trustees, which shall be a bank or trust company or banks or trust companies duly qualified to do business in this state, to receive and disburse the revenues of the toll bridge works or improvement.

(c) Providing that as long as any of such bonds are outstanding there shall be raised in each year by tolls not less than the minimum amounts required for interest, sinking fund, redemption, and reserve requirements for the bonds, in addition to the amount needed for current operating and maintenance expenses, including insurance costs, required to be paid from such sources.

(d) Such other provisions for the protection of the holders of the bonds as the authority approves including, without limiting (a), (b), or (c), provisions that in the event of refusal or failure to comply with any provision of this chapter or any other applicable law, or of any agreement made with the holders of the bonds or of any issue thereof, the holders of a stated percentage in aggregate principal amount of the bonds, or of such issue thereof as the case may be, then outstanding may, in accordance with such appropriate procedure as is provided in the agreement or indenture, appoint a trustee to represent all the holders of the bonds, or all the holders of the issue thereof as the case may be, in the matter of exercising and prosecuting on their behalf such rights and remedies as are available to them under the law. The authority shall in its absolute discretion fix the terms and conditions upon which the trustee or trustees shall receive, hold and disburse the revenues and may prescribe the powers and duties of the trustee or trustees.

31156. All benefits conferred or obligations imposed by this chapter or by any other law with respect to making provision for the payment, whether from tolls or other revenues received from the use and operation of the toll tunnel or from other sources, of expenses in connection with the operation, maintenance, and insurance of, and the construction of approaches to, the toll tunnel, shall, notwithstanding the retirement or discharge of any or all of the bonds issued by the authority for the purpose of constructing the toll tunnel, inure to and continue for the benefit of any other bonds issued pursuant to this chapter as additional to, or funding, or refunding the bonds originally issued.

31157. The authority may contract loans and borrow money through the sale of bonds of the same character as those authorized pursuant to this chapter, from the United States or any of its departments, agencies, or instrumentalities upon such conditions and terms as may be agreed to. Such bonds shall be subject to all the provisions of this chapter except the requirement that bonds be first offered at public sale pursuant to advertisement.

31158. If a bond issue for the acquisition or construction of the toll tunnel is authorized and sold in whole or in part and the authority deems it advisable and advantageous to enlarge or extend the toll tunnel or to change the structure or design thereof in order to afford new or greater facilities for any type or class of traffic, the authority may issue additional bonds for the purpose of enlarging or extending the toll tunnel or changing the structure or design thereof in order to afford such new or greater facilities. Such additional bonds shall be issued only if the surrender and cancellation of all outstanding bonds issued for the acquisition or construction of the toll tunnel as originally designed can be assured or obtained by call or by consent of the holders thereof. Such additional bonds shall not constitute a debt or obligation of the state or of El Dorado County but shall be bonds of the authority of the same character and payable from the same funds as other bonds authorized pursuant to this chapter. The pledge of the tolls and other revenues to be received from the operation of the toll tunnel to the payment of outstanding bonds shall not be lessened, diminished, or affected in any way by the issuance of such additional bonds.

31159. If the outstanding bonds issued for the acquisition or construction of the toll tunnel as originally designed are, at the time of issuance of the additional bonds, by their terms subject to immediate retirement before maturity at the option of the authority, or if the holders consent to the retirement of such bonds, the authority may include in the issue of bonds to be sold for the purpose of enlarging or extending the toll tunnel or changing the design thereof, an amount of bonds sufficient to produce funds with which to retire the outstanding bonds according to their terms. Before any such additional bonds are delivered the authority shall first duly call the outstanding bonds for redemption in accordance with their terms and conditions or obtain the consent of the holders thereof to their retirement.

31160. Out of the proceeds derived from the sale of any such additional bonds there shall be set aside an amount of money sufficient to retire such outstanding bonds as may be thereafter presented for payment. Bonds of the new authorized issue may be delivered in part in exchange for a like principal amount of outstanding bonds of the original issue if the holders of the outstanding bonds to be exchanged consent thereto.

31161. All provisions of this chapter apply with like force and effect to the issuance of any bonds of the new authorized issue, and the holders thereof are subrogated to all the rights and powers of the holders of the bonds which are surrendered in exchange therefor, except as such rights and powers are modified by the express terms of the bonds of the new authorized issue or the proceedings authorizing their issuance.

31162. Whenever bonds of any kind have been issued and are outstanding pursuant to this chapter, the authority may from time to time or at one time issue and sell or exchange funding or refunding bonds for the purpose of retiring, paying, funding, or refunding either all or such part of the outstanding bonds or of one or more issues or series thereof, as it deems advisable. Such funding or refunding bonds shall be issued and delivered only when the issue or series of bonds to be funded or refunded have matured, are about to mature, are subject to retirement before maturity, or if the outstanding bonds are not subject to retirement, the retirement thereof has been assured or obtained by consent of the holders thereof. Funding or refunding bonds may be delivered wholly or in part in exchange for outstanding bonds to be funded or refunded thereby, if the holders of the outstanding bonds to be exchanged consent thereto.

31163. Funding or refunding bonds shall not constitute a debt or obligation of the state or of El Dorado County, but shall be bonds of the authority of the same character and payable from the same funds as other bonds authorized pursuant to this chapter. Any and all reserve or other funds applicable to the payment of the bonds funded or refunded, may, if so directed by the authority, be transferred to any reserve or other funds provided with respect to the funding or refunding bonds. The pledge of the tolls and other revenues to be received from the operation of the toll tunnel to the payment of outstanding bonds shall not be lessened, diminished, or affected in any way by the issuance of such funding or refunding bonds.

31164. Except as otherwise provided in this article, and except as modified by the express terms of the funding or refunding bonds or the proceedings authorizing their issuance, all the provisions of this chapter apply to such funding or refunding bonds and to the issuance and sale or exchange thereof, and the holders thereof shall be subrogated to all the rights and powers of the holders of the bonds funded or refunded thereby or surrendered in exchange therefor.

31165. Any funding or refunding bonds may be issued in a principal amount sufficient to provide funds for:

(a) The payment of the bonds to be funded or refunded thereby.

(b) All expenses incidental to the calling, retiring, or payment of the outstanding bonds and the issuance of the funding or refunding bonds, including the difference in amount be-

tween the par value of the funding or refunding bonds and any amount less than par for which they may be sold.

(c) Any amount necessary to be made available for the payment of interest upon the funding or refunding bonds from the date of their sale to the date of maturity or payment of the bonds to be funded or refunded out of the proceeds of the sale, or the date upon which the bonds to be funded or refunded will be paid pursuant to call thereof or agreement with the holders thereof.

(d) The premium, if any, necessary to be paid in order to call or retire the outstanding bonds.

31166. All bonds issued pursuant to this chapter are negotiable instruments under the law merchant.

31167. All bonds issued pursuant to this chapter and the income therefrom are at all times exempt from taxation, except for transfer, inheritance, and estate taxes.

31168. Bonds issued pursuant to this chapter shall not constitute or be a debt, liability, or obligation of the state or El Dorado County. The payment of both principal and interest of all bonds shall be secured only by the tolls or other revenues collected from the toll tunnel, other revenues and interest thereon, and sinking funds created therefrom received by the authority, and shall be paid from such tolls or revenues or from such other contributions or appropriations as may be made available pursuant to this chapter.

31169. The bond redemption and interest payments constitute a first direct and exclusive charge and lien on all tolls and other revenues, and interest thereon, and sinking funds created therefrom received from the use and operation of the toll tunnel. Such tolls and revenues together with the interest earned thereon constitute a trust fund for the security and payment of the bonds and shall not be used or pledged for any other purpose as long as any such bonds are outstanding and unpaid.

31170. While any bonds issued by the authority remain outstanding, the powers, duties, or existence of the authority shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of the bonds.

31171. The holder of any bond may by mandamus or other appropriate proceeding compel the performance of any of the duties imposed upon the authority or its officers, agents, and employees in connection with the construction, maintenance, operation, and insurance of the toll tunnel, in connection with the collection, deposit, investment, application, and disbursement of all tolls and other revenues derived from the operation and use of the toll tunnel, and in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds. The enumeration of rights and remedies in this chapter does not exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds.

31172. The Superintendent of Banks may investigate and ascertain the status or sufficiency as investments for savings banks in this state of any such bonds. If upon investigation it is determined in his opinion that such bonds constitute a proper investment for savings banks, he shall so certify. He may revoke any such certificate issued by him at any time in his discretion.

31173. All bonds issued by the authority pursuant to this chapter, and which have been first certified by the Superintendent of Banks, are legal investments for all trust funds, for the funds of all insurance companies, commercial and savings banks, and trust companies, and for state school funds.

31174. Any money or funds which may by law be invested in bonds of the state, cities, counties, or school districts in the state may be invested in the bonds issued by the authority.

31175. Whenever any bonds of the state, or of any city, county, or school district in the state, may by law be used as security for the performance of any act or the deposit of any public money the bonds issued by the authority may be so used.

Article 5. Custody and Use of Money

31180. The proceeds from the sale of all bonds authorized pursuant to this chapter shall be paid to the treasurer for the credit of the authority and forthwith deposited as demand deposits in such depositary or depositaries as are authorized by law to receive deposits of state funds, to the credit of a fund to be designated as the acquisition and construction fund of the toll tunnel. The fund shall at all times be kept segregated and set apart from all other funds.

31181. The proceeds from the sale of the bonds shall be paid out or disbursed solely for the acquisition or construction of the toll tunnel, the acquisition of the necessary lands and easements therefor, and the payment of interest on the bonds during the period of actual construction and for a period of six months thereafter, only as the need therefor arises. The authority may agree with the purchaser of the bonds upon any conditions or limitations restricting the disbursement of such funds which are deemed advisable for the purposes of assuring the proper application of the funds.

31182. All money in the acquisition and construction fund not required to meet current acquisition or construction costs of the toll tunnel, and all funds constituting surplus revenues which are not immediately needed for the particular object or purpose to which they are required to be applied or to which they are pledged, shall be invested in bonds and obligations eligible for investment of surplus state money. The authority may provide in the proceedings authorizing the issuance of the bonds that the investment of such money shall be made only in particular bonds and obligations within the classifications eligible for such investment, and such provisions shall be binding upon the authority and all officials having anything to do with the investment.

31183. Any surplus which exists in the acquisition and construction fund shall be applied to the retirement, by purchase or call, of bonds issued for the acquisition or construction of the toll tunnel. If such bonds cannot be purchased at a price satisfactory to the authority and are not by their terms callable prior to maturity, the surplus shall be paid into the fund applicable to the payment of principal and interest of such bonds and shall be used for that purpose. The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying the surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called, and such limitations and conditions shall be followed and observed in the application and use of the surplus. All bonds retired by purchase or call shall be immediately canceled.

31184. All tolls or other revenues received from the operation of the toll tunnel shall be paid over by the department at least monthly to the treasurer who shall deposit them forthwith in such depositary or depositaries as are authorized by law to receive deposits of state funds, to the credit of a special fund to be designated as the toll revenue fund of the toll tunnel, which fund shall at all times be kept segregated and set apart from all other funds.

31185. From the money deposited in the acquisition and construction fund, the treasurer shall transfer to the place or places of payment named in the bonds such sums as are required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of the toll tunnel during the period of actual construction and during the period of six months immediately thereafter. The treasurer shall thereafter transfer from the toll revenue fund to the place or places of payment named in the bonds such sums as are required to pay the interest on the bonds and to redeem the principal thereof as such interest payments and bond redemptions fall due for all bonds issued and sold for the construction or acquisition of the toll tunnel. All funds transferred for the payment of principal or interest on bonds issued for the toll tunnel shall be segregated and applied solely for the payment of such principal and interest.

31186. The money remaining in the toll revenue fund, after providing the amount required for interest and redemption of bonds, shall be held and applied as provided in the proceedings authorizing the issuance of the bonds. If the proceedings authorizing the issuance of the bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other purposes incidental to the acquisition, construction, operation, and maintenance of the toll tunnel as the authority determines.

31187. Money required to meet the costs of acquisition or construction and all expenses and costs incidental to the acquisition or construction of the toll tunnel, or to meet the costs

of operating, maintaining, and repairing it, shall be paid from the proper fund therefor upon demand of the authority.

31188. All interest received or earned on money deposited in each and every fund provided for in this article shall be credited to and become a part of the particular fund upon which the interest accrues.

31189. Notwithstanding anything contained in this chapter, the proceeds received from the sale of bonds and the tolls or other revenues received from the operation of the toll tunnel may be used to defray any expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds for the acquisition or construction of the toll tunnel, including expenses for the preparation of surveys and estimates and the making of inspections and examinations as may be required by the purchasers of the bonds, except that the proceedings authorizing the issuance of such bonds may contain appropriate provisions governing the use and application of the bond proceeds and toll or other revenues for the purposes specified in this section.

Article 6. Acquisition and Disposition of Property

31200. The authority may acquire by gift, purchase, or eminent domain proceedings any franchise, rights, privileges, easements, or other property, either real or personal, necessary therefor, when the construction of the toll tunnel is authorized by the authority. This article shall not apply to any portion of the state highway system.

31201. In eminent domain proceedings to acquire property for any of the purposes of this chapter, any real property, personal property, franchises, rights, easements, or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, private, public, or municipal corporation, county, city, district, or any political subdivision of the state, may be condemned and taken, and the acquisition and use thereof as provided in this chapter for the same public use or purpose to which such property has been appropriated or dedicated or for any other public use or purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated.

It shall not be necessary in any eminent domain proceedings pursuant to this section to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution provided for in this article describing the property sought to be taken and directing such proceedings.

31202. Pursuant to the Constitution and laws relating to eminent domain proceedings, the authority may condemn and take, in fee or otherwise, as the authority determines, in the name of the authority, any real estate, personal property, franchises, rights, privileges, or easements, whether publicly

or privately owned and whether or not already devoted to a public use or purpose, deemed necessary for the toll tunnel.

31203. The authority shall commence any such proceedings in eminent domain whenever it first passes a resolution declaring that public interest and necessity require the construction of the toll tunnel and that the acquisition of any particular real estate, personal property, franchises, rights, privileges, or easements is necessary therefor. Such resolution shall be conclusive evidence:

(a) Of the public necessity of such construction.

(b) That such property and franchises, rights, privileges, or easements are, and that the acquisition of the fee or other interest therein is, necessary therefor.

(c) That such proposed construction is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

31204. The authority may condemn and take, in fee or otherwise as the authority determines, in the name of the authority, pursuant to or in conjunction with any other proceedings at any time brought pursuant to this article, any real property considered necessary for the purpose of exchanging it for other real property to be used for any of the purposes of this chapter.

Real property may be acquired for such purposes only when the owner of the property needed for a purpose provided in this chapter has agreed in writing to such exchange, and when, in the opinion of the authority, an economy in the acquisition of the necessary property can be effected thereby. The determination of the authority is conclusive evidence of all matters set forth in this section.

31205. The right-of-way is given, dedicated, and set apart upon which to locate, construct, and maintain the toll tunnel through, over, under, on, or across any property of the state now or hereafter owned, opened, or dedicated to or for public use and howsoever acquired, and through, over, under, on, or across the streets, alleys, lanes, and roads now or hereafter opened or dedicated to or for public use and howsoever acquired which are now or may be within any county, city, public or municipal corporation, district, or political subdivision of the state.

31206. If any property belonging to any county, city, public or municipal corporation, district, or political subdivision of the state, is taken for the acquisition or construction of the toll tunnel, or if any such property is injured or damaged by such acquisition or construction, and the payment of compensation therefor is necessary, proper and necessary compensation therefor as is agreed upon may be paid by the authority to the particular county, city, public or municipal corporation, district, or political subdivision of the state owning or in charge of such property, or the authority may direct that eminent domain proceedings be brought pursuant to this article for the determination of such compensation, including the

determination of the interest of any such county, city, public or municipal corporation, district, or political subdivision in such property and the necessity for the payment of such compensation.

Whenever the authority requires a public utility to remove and relocate any utility facility, the authority shall reimburse the owner of the public utility facility for the expense of the removal and relocation.

31207. In all cases where, by statute or otherwise, any right is reserved or granted to the state or any state agency to construct or maintain highways, bridges, or approaches thereto, or other highway crossings, over, through, under, on, or across any public or private property, the authority is entitled to the benefit of such reservation or grant.

31208. Whenever any property acquired for any of the purposes of this chapter, whether by agreement, grant, or eminent domain, either in fee or in any lesser estate or interest, is no longer necessary for use in connection with any improvement authorized to be constructed pursuant to this chapter, or whenever a lesser interest than is owned therein is sufficient for the construction, maintenance, and operation of any improvement, or whenever it is for any other reason in the public interest so to do, the property, any part thereof, or any interest therein may be leased, sold, exchanged, or otherwise disposed of or dealt with by the authority in the manner, upon such terms, and subject to such reservations as it deems necessary or desirable.

31209. Whenever, either before or after the construction or reconstruction of streets, sidewalks, or other like facilities upon any property or interest in property acquired pursuant to this chapter, it appears desirable to dedicate the property to public use for such purpose, the authority may dedicate or transfer the property to any county, city, or other public or municipal corporation within which it is located, subject, however, to any rights or interests necessary for the proper construction, maintenance, and operation of the toll tunnel which extends through, over, under, on, or across the property.

31210. Any money received for any such property shall be received into the funds for the toll tunnel for which the property was originally acquired.

Article 7. Insurance of Property

31220. When the toll tunnel is being built by the authority, it may carry or cause to be carried such an amount of insurance or indemnity bond as protection against loss or damage as it deems proper.

31221. The authority may carry insurance in such amount as it deems proper to cover any accident or destruction in part or in whole to the toll tunnel until all bonds sold for the acquisition or construction of such toll tunnel and interest accrued thereon have been fully redeemed and paid.

31222. All money collected on any indemnity bond or insurance policy as the result of any damage or injury to the toll tunnel shall be used for the purpose of repairing or rebuilding the toll tunnel, as long as there are revenue bonds against such structure outstanding and unredeemed.

31223. The authority may also carry insurance or indemnity bonds insuring against the loss of tolls or other revenues to be derived from the toll tunnel by reason of any interruption in the use of the toll tunnel from any cause whatever. The proceeds of the insurance or indemnity bonds shall be paid into the fund into which the tolls and other revenues of the toll tunnel so insured are required to be paid and shall be applied to the same purposes and in the same manner as other money in the fund. The insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of the toll tunnel during any period of time determined by the authority and fixed in its discretion, and may be paid for out of the toll revenue fund as specified in the proceedings.

Article 8. Local Cooperation

31230. Any city, county, district, or political subdivision of the state upon the request of the authority may advance or contribute money, rights-of-way, labor, materials, and other property toward the expense of building, acquiring, and maintaining the toll tunnel, and for preliminary surveys and the preparation of plans and estimates of cost thereof and other preliminary expenses. Appropriations for such purposes may be made from any funds available, including highway funds received from the state.

31231. Any city, county, district, or political subdivision of the state may issue general obligation bonds for any of the purposes enumerated in this article. All proceedings for the authorization, issue, and sale of such bonds shall be had under the law governing the issue and sale of bonds for public improvements by the particular political subdivision or public corporation.

31232. Money or property advanced or contributed pursuant to this article may be immediately transferred or delivered to the authority to be used for the purpose for which such advance or contribution was made.

31233. 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 tunnel, but no repayment therefor shall be made until all obligations issued by the authority for the construction of such toll tunnel have been fully redeemed and paid, and then only out of the tolls and revenues received from the operation of the toll tunnel.

31234. The collection of tolls shall be continued on the toll tunnel until all bonds issued pursuant to this chapter for its construction are fully redeemed and paid.

31235. After all bonds issued pursuant to this chapter for the construction of the toll tunnel have been fully redeemed and paid, the authority may continue to collect tolls and other revenues for the use of such toll tunnel for the purpose of reimbursing the state for any expenditures which have been made by it in connection with the toll tunnel 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 tunnel.

Article 9. State Cooperation

31240. The California Highway Commission and the Department of Public Works shall, upon the request of the authority, aid in the construction of any necessary connections with U.S. Highway 50.

Article 10. Operation and Maintenance After Retirement of Bonds

31245. After all bonds issued pursuant to this chapter for the construction of the toll tunnel have been fully redeemed and paid, the authority shall either:

(a) Transfer the toll tunnel to the state for operation and maintenance as a state highway by the department, either free of tolls or at the rates of tolls adjusted so as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the toll tunnel under economical management; or

(b) Operate and maintain the toll tunnel 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 tunnel under economical management.

31246. If the toll tunnel is transferred to the state pursuant to subdivision (a) of Section 31245, the existence of the authority shall thereupon automatically terminate, and all property, funds, and records relating to the toll tunnel shall be transferred to the state and thereafter the state shall be responsible for the maintenance, repair, and operation of the toll tunnel, and for the fulfillment of any outstanding contracts executed by the authority and the payment of any outstanding debts or liabilities incurred by the authority.

CHAPTER 924

An act to amend Sections 66604 and 66632 of the Government Code, relating to San Francisco Bay Conservation and Development Commission.

[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 66604 of the Government Code is amended to read:

66604. The Legislature further finds and declares that in order to protect the present shoreline and body of the San Francisco Bay to the maximum extent possible, it is essential that the commission be empowered to issue or deny permits, after public hearings, for any proposed project that involves placing fill in the bay or extracting submerged materials from the bay.

SEC. 2. Section 66632 of the Government Code is amended to read:

66632. (a) During the existence of the San Francisco Bay Conservation and Development Commission, any person or governmental agency wishing to place fill in the bay or to extract submerged materials from the bay shall secure a permit from the commission. For purposes of this section, "fill" means earth or any other substance or material, including pilings or structures placed on pilings, which pilings were not in existence on the effective date of this title. For the purposes of this section "materials" means items exceeding twenty dollars ($20) in value.

(b) Whenever a permit is required by a city or county an applicant for a permit shall file an application with the city council of the city if the proposed project is located in incorporated territory, or the board of supervisors of the county, if the proposed project is located in unincorporated territory. The city council or the board of supervisors, as the case may be, shall investigate the proposed project and shall file a report thereon with the commission within 90 days after the application is filed with it.

Whenever a permit is not required by a city or county, application for a permit shall be made directly to the commission.

(c) Upon receipt of the report from the city council or the board of supervisors, as the case may be, or, if the city council or the board of supervisors does not file a report with the commission within the 90-day period, upon the expiration of such 90-day period, or upon receipt of an application for a permit made directly to it, the commission shall hold a public hearing or hearings as to the proposed project and conduct such further investigation as it deems necessary. The commission shall give full consideration to the report of the city council or board of supervisors.

(d) The commission shall take action upon the application for the permit, either denying or granting the permit, within 60 days after it receives the report; or, if the city council or the board of supervisors did not file a report with the commission within the 90-day period, within 60 days after the expiration of such 90-day period; or if an application for a permit was made directly to the commission, within 60 days after it receives the application. The permit shall be automatically granted if the commission shall fail to take specific action either denying or granting the permit within the time period specified in this section. A permit may be granted for a project if the project is either (1) necessary to the health, safety or welfare of the public in the entire bay area, or (2) of such a nature that it will not adversely affect the comprehensive plan being prepared. Thirteen affirmative votes of members of the commission are required to grant a permit. Neither of the federal representatives who are members of the commission may vote on whether or not a permit shall be granted.

The commission shall provide by regulation for the issuance of permits by the executive director, without compliance with the above procedure, in cases of emergency or for minor repairs or improvement.

(e) If the commission denies the permit, the applicant may submit another application for the permit directly to the commission after 90 days from the date of such denial.

(f) If, prior to the effective date of this section, any person or governmental agency has already obtained a permit from the appropriate local body to place fill in the bay or to extract submerged materials from the bay, application may be made directly to the San Francisco Bay Conservation and Development Commission and the permit from the local body shall constitute the report of the local body.

CHAPTER 925

An act to amend Sections 7736 and 7737 of, and to add Section 7737.5 to, the Business and Professions Code, and to amend Section 11158 of the Welfare and Institutions Code, relating to trusts for funeral, cremation or interment expenses.

[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 7736 of the Business and Professions Code is amended to read:

7736. For the purposes of this article the term "trustee" shall mean any banking institution or trust company legally authorized and empowered by the State of California to act as

trustee in the handling of trust funds or not less than three persons one of whom may be an employee of the funeral director; the word "trustor" shall mean any person who pays the money or deposits the securities used for such preneed arrangements; the term "beneficiary" shall be the person for whom such fund was established; the words "corpus of the trust" shall include all moneys paid and securities delivered pursuant to the provisions of the article other than the amount paid as a trustees' fee.

SEC. 2. Section 7737 of the Business and Professions Code is amended to read:

7737. All securities purchased by the trustor for deposit in trust as soon as paid for, and all money received from the trustor for deposit in trust shall be placed in trust with a trustee within 30 days of their receipt by the funeral director pursuant to a trust agreement executed by the funeral director, the trustor and trustee which shall provide that the trustee shall hold the money or securities in trust for the purposes for which deposited and that the trustee, upon the signature of a majority of said trustees, shall deliver the corpus of the trust to the funeral director upon the filing of a certified copy of the death certificate or other satisfactory evidence of the death of the beneficiary, together with satisfactory evidence that the funeral director has furnished the merchandise and services provided for in the said contract; provided, however, that (1) in the case of a trust agreement between any of the trustees set forth in Section 7736 and a recipient of public assistance, under the provisions of subdivision (a) of Section 11158 of the Welfare and Institutions Code, said trust agreement may further provide that it is irrevocable, and (2) in all other cases said trust agreement shall further provide that at any time before the funeral director has furnished the merchandise and services provided for in said contract the trustor or the beneficiary or the legally appointed representative of either may in writing demand and receive the return of the corpus of the trust, other than the trustees' fee, together with any income accrued in the trust, less the revocation fee provided for in Section 7735; provided, however, that if and when the trustor becomes otherwise eligible, or in order to become eligible, for public social services, as provided in Division 9 (commencing with Section 10000) of the Welfare and Institutions Code, he may agree, at his option, that the trust shall be irrevocable in order to avail himself of the provisions of Section 11158 of the Welfare and Institutions Code. The delivery of the corpus of the trust and the accumulated income to the funeral director, trustor or beneficiary pursuant to the terms of this article and the trust agreement herein referred to, shall relieve the trustee of any further liabilities with regard to such funds or income therefrom.

SEC. 3. Section 7737.5 is added to the Business and Professions Code, to read:

7737.5. A trustee may deposit the corpus of the trust in any savings and loan association insured by the Federal Savings and Loan Insurance Corporation.

SEC. 4. Section 11158 of the Welfare and Institutions Code is amended to read:

11158. The Legislature recognizes that certain property and rights owned by a recipient, including a recipient of aid to families with dependent children, are of negligible value in enabling the recipient to meet his present needs, and cannot be classified as available resources of the recipient. The Legislature also recognizes that the present value of such property and rights is at most nominal when considered for the purpose of computing the net worth of the individual. It is the purpose of this section to designate such property and rights, and to place a value thereon.

For the purposes of evaluating the personal property of a recipient, the following items, in the aggregate, shall be deemed to have a monetary value of thirty-five dollars ($35) if the amount paid for the same does not exceed six hundred fifty dollars ($650), or fifty dollars ($50) if the amount paid for the same does not exceed one thousand dollars ($1,000):

(a) Money or securities placed in an irrevocable trust for funeral, cremation, or interment expenses with any of the trustees mentioned in Section 7736 of the Business and Professions Code.

(b) Life or burial insurance purchased specifically for funeral, cremation or interment expense, which is placed in an irrevocable trust or which has no loan or surrender value available to the recipient.

(c) Securities issued by a licensed cemetery authority which by their terms are convertible into payment for funeral, cremation or interment expenses.

For the purposes of evaluating the personal property of a recipient, interment plots as defined in Section 7022 of the Health and Safety Code shall be deemed to have no value.

SEC. 5. Section 11158 of the Welfare and Institutions Code is amended to read:

11158. The Legislature recognizes that certain property and rights owned by a recipient, including a recipient of aid to families with dependent children, are of negligible value in enabling the recipient to meet his present needs, and cannot be classified as available resources of the recipient. The Legislature also recognizes that the present value of such property and rights is at most nominal when considered for the purpose of computing the net worth of the individual. It is the purpose of this section to designate such property and rights.

For the purposes of evaluating the personal property of a recipient, the following items, in the aggregate, shall be

deemed to have no value if the amount paid for the same does not exceed one thousand dollars ($1,000):

(a) Money or securities placed in an irrevocable trust for funeral, cremation, or interment expenses with any of the trustees mentioned in Section 7736 of the Business and Professions Code.

(b) Life or burial insurance purchased specifically for funeral, cremation, or interment expense, which is placed in an irrevocable trust or which has no loan or surrender value available to the recipient.

(c) Securities issued by a licensed cemetery authority which by their terms are convertible into payment for funeral, cremation, or interment expenses.

For the purposes of evaluating the personal property of a recipient, interment plots as defined in Section 7022 of the Health and Safety Code shall be deemed to have no value.

SEC. 6. Section 5 of this act shall become operative only if the amendments to Section 11158 of the Welfare and Institutions Code as proposed by Assembly Bill No. 634 are enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Assembly Bill No. 634 takes effect; at which time Section 11158 of the Welfare and Institutions Code as amended by Section 4 of this act is repealed.

CHAPTER 926

An act to amend Section 7100 of to repeal Sections 7115 and 7116 of, and to add Chapter 3.5 (commencing with Section 7150) to Part 1 of Division 7 of, the Health and Safety Code, relating to remains of a deceased person.

[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 7100 of the Health and Safety Code is amended to read:

7100. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

(a) The surviving spouse.

(b) The surviving child or children of the decedent.

(c) The surviving parent or parents of the decedent.

(d) The person or persons respectively in the next degrees of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.

(e) The public administrator when the deceased has sufficient assets.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent.

A decedent, prior to his death, may direct the preparation for, type or place of interment of his remains, either by oral or written instructions. The person or persons otherwise entitled to control the disposition of the remains under the provisions of this section shall faithfully carry out the directions of the decedent subject only to the provisions of this chapter with respect to the duties of the coroner.

If such instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date.

This section shall be administered and construed to the end that such expressed instructions of any person shall be faithfully and promptly performed.

A funeral director or cemetery authority shall not be liable to any person or persons for carrying out such instructions of the decedent.

SEC. 2. Section 7115 of the Health and Safety Code is repealed.

SEC. 3. Section 7116 of the Health and Safety Code is repealed.

SEC. 4. Chapter 3.5 (commencing with Section 7150) is added to Part 1 of Division 7 of the Health and Safety Code, to read:

7150. This act may be cited as the Anatomical Gift Act.

7151. (a) Any individual who is competent to execute a will may give all or any part of his body for any one or more of the purposes specified in this chapter, the gift to take effect after death.

(b) Only the decedent shall have the authority to donate his body or any part thereof, if it is made known that the deceased at the time of his death was a member of a religion, church, sect, or denomination which relies solely upon prayer for the healing of disease.

(c) Unless he is prohibited by subdivision (b) of this section or unless he has knowledge that contrary directions have been given by the decedent, the following persons, in the order of priority stated, may give all or any part of a decedent's body for any one or more of the purposes specified in this chapter:

(1) The spouse of the decedent, if one survives.

(2) An adult child of the decedent.

(3) Either parent of the decedent.

(4) An adult person in the next degree of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.

If the spouse is not immediately available at the time of death, the gift may be made by an adult child; if an adult child is not immediately available, the gift may be made by

either parent; if a parent is not immediately available it may be made by an adult person in the next degree of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.

The persons authorized by this subdivision to make the gift may execute the document of gift either after death or before death during a terminal injury or illness if the person whose body or any part thereof is to be given is precluded by his injury or illness from executing the document of gift. The decedent may be a minor or a stillborn infant.

7152. The following persons are eligible to receive gifts of human bodies or parts thereof for the purposes stated:

(a) The State Director of Public Health, any licensed hospital accredited by the Joint Commission on Accreditation of Hospitals, any licensed physician or surgeon, or any medical school, college, university, or teaching institution for use in medical education, research, advancement of medical science, therapy, or transplantation to individuals;

(b) Any nonprofit blood bank, artery bank, eye bank, or other therapeutic service operated by any agency approved by the Director of Public Health under rules and regulations established by the director, for use in therapy or transplantation to individuals;

(c) Any specified individual for use in therapy or transplantation needed by him.

7153. (a) A gift of all or part of the body may be made by will and shall become effective immediately upon the death of the testator regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate.

(b) A gift of all or part of the body may be made by a document other than a will signed by the donor. If the donor is unable to sign the document and understands the nature and consequences of the gift, the document may be signed for him in his presence and in the presence of two witnesses who shall in turn sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid. The document may consist of a properly executed card carried on the donor's person or in his immediate effects.

(c) The gift may be made to a named donee or without the naming of a donee. If the gift is made without the naming of a donee, it may be accepted by and utilized under the direction of the attending physician at or following death.

(d) If the gift is made by a person designated in subdivision (c) of Section 7151, it shall be executed by a document signed by the person authorized by that section.

7154. If the gift is made to a named donee, the will or other document, or a true copy thereof, may be delivered to him to expedite the appropriate procedures immediately after death, but such delivery is not necessary to the validity of the gift. Upon the request of any interested party on or after the

donor's death, the person in possession must produce the will or other document of gift for examination.

7155. (a) If the document of gift has been delivered to a named donee, it may be revoked by any of the following methods:

(1) By the execution and delivery to the donee or his agent of a revocation in writing signed by the donor.

(2) By an oral statement of revocation witnessed by two persons, addressed and communicated to the donee or his agent.

(3) By a statement during a terminal illness addressed to the attending physician, and communicated to the donee, or his agent.

(4) By a card or writing, signed by the donor and carried on his person or in his immediate effects, revoking the gift.

(b) If the written document of gift has not been delivered to the donee, the gift may be revoked by destruction, cancellation or mutilation of the document.

(c) If the gift is made by a will, it may be revoked in the manner provided for revocation or amendment of wills.

7156. (a) The donee may accept or reject the gift. If the donee accepts, and if the gift is of the entire body, the donee or his agent may authorize embalming and funeral services. The donee or his agent may, immediately after death of the donor and prior to embalming, cause any part included in the gift to be removed from the body, without undue mutilation. The time of death shall be determined by the physician in attendance upon the donor's terminal injury or illness or certifying his death, and he shall not be a member of the team of surgeons which transplants the part to another individual.

(b) The donee, an agent of a donee, or any other person authorized to accept and utilize the gift who acts in good faith, in reliance upon, and in accord with, the terms of a gift under this chapter, and who is without actual notice of a revocation of the gift, shall not be held liable for damages in any civil suit brought against him for his act.

7157. The use of any human tissue donated pursuant to this act for the purpose of transplantation in the human body shall be construed, for all purposes whatsoever, as a rendition of a service by each and every person participating therein, and not be construed as a sale of such tissue for any purpose or purposes whatsoever.

7158. The provisions of this chapter are subject to and inferior to the laws of this state prescribing the powers and duties of the coroner.

CHAPTER 927

An act to add Section 17709 to the Education Code, and to add Section 988 to the Revenue and Taxation Code, relating to the taxation of motion pictures, 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 17709 is added to the Education Code, to read:

17709. Whenever the assessed valuation of motion pictures, including the negatives and prints thereof, is lowered because of the operation of Section 988 of the Revenue and Taxation Code and whenever any school district receives replacement funds from the state for the loss of revenue to a district occasioned by the operation of Section 988, the Superintendent of Public Instruction shall, in computing district aid, add the amount of assessed valuation which was the basis for the allocation of state replacement funds to the actual assessed value of the district before computing apportionments to the districts.

SEC. 2. Section 988 is added to the Revenue and Taxation Code, to read:

988. (a) The cash value of motion pictures, including the negatives and prints thereof, is the cash value of only the tangible materials upon which such motion pictures are recorded. Such cash value does not include the value of, or any value based upon, any intangible rights, such as the copyright or the right to reproduce, copy, exhibit or otherwise exploit motion pictures or the negatives or prints thereof.

(b) As used in this section, "motion pictures" includes those intended for transmission, exhibition, or exploitation, by any means or method and whether or not production thereof has been completed.

(c) As used in this section, "negatives and prints" includes any film or other tangible property, and reproductions thereof, upon which is recorded by any means or method the sound or action of motion pictures, in positive, negative, or any other form.

SEC. 3. (a) There is hereby appropriated to the Controller from the Property Tax Relief Fund created by Section 152 of Chapter 963 of the Statutes of the 1967 Regular Session of the Legislature so much as may be necessary to make allocations according to the terms and conditions herein set forth to local taxing authorities which have lost revenue by reason of the operation of Section 988 of the Revenue and Taxation Code.

(b) Upon, and only upon, application by a local taxing authority, the Controller shall determine the loss occasioned by

the operation of Section 988 by multiplying the current tax rate of the local entity times each one hundred dollars ($100) of assessed valuation attributable to motion pictures, including the negatives and prints thereof, and taxable by such local entity and shall pay to the claimant the amount so computed.

(c) For the purposes of the computation under subdivision (b) of this section, the assessed valuation of motion pictures, including the negatives and prints thereof, taxable by any claimant local entity shall be the average assessed value of such property which was taxable by such local entity during the four-year period including and ending with the 1968–69 fiscal year.

(d) Application for the replacement revenues shall be made on or before September 15th with respect to losses to be occasioned in the fiscal year and payments shall be made on or before November 1st of the same calendar year.

CHAPTER 928

An act to amend Sections 5605, 6761, 6871, 6873, 17402, 17405, 17407, 17666.2, 17906.2, 17907, 17921, 17922, 17923, 18101, 18101.5, 18102, 18451, 18453, 18456, and 18456.2 of, to repeal Sections 6425, 6762, 17908, 17909, and 18104 of, and to add Section 18456.1 to, the Education Code, relating to financial support of the public 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 5605 of the Education Code is amended to read:

5605. The governing board of any elementary school district situated within a high school district maintaining a junior high school shall permit pupils who have completed the sixth year of the elementary school to attend the junior high school and shall pay to the high school district for the education of the pupils a tuition charge determined pursuant to this section. The amount of the tuition charge shall be computed as follows:

(a) By multiplying each one hundred dollars ($100) of the assessed valuation of the elementary school district for the current fiscal year, by a computational tax rate. The computational tax rate shall be one dollar and fifty cents ($1.50), increased, where necessary, by a rate which will raise an amount equal to the percentage of miscellaneous funds (as defined by Section 17606), and the percentage of federal funds (as defined by Section 17605) utilized for the fiscal year for purposes of Section 17603.5. For purposes of such computations, the assessed valuation of the district shall be modified as required by Section 17262.

(b) By multiplying the product derived under subdivision (a) by the ratio which the average daily attendance of pupils of the elementary school district attending grades 7 and 8 of the junior high school during the current fiscal year, bears to the total average daily attendance of the elementary school district, including such pupils in grades 7 and 8, during the current fiscal year.

On or before January 1st of each fiscal year, the governing board of the elementary school district shall draw its warrant in favor of the high school district against the general fund of the elementary school district in the amount of fifty percent (50%) of the estimated tuition charge due to the high school district for the attendance of pupils at the junior high school during the current fiscal year. The amount of the warrant shall be credited to the general fund of the high school district.

On or before July 15th following the close of the fiscal year, the governing board of the elementary school district shall draw its warrant in favor of the high school district against the general fund of the elementary school district in the amount of the difference between the final tuition as computed by this section and the first installment paid to the high school district. The amount of the warrant shall be credited to the general fund of the high school district. The revenues, although received after the close of the fiscal year shall be considered revenues of the preceding fiscal year.

SEC. 2. Section 6425 of the Education Code is repealed.

SEC. 3. Section 6761 of the Education Code is amended to read:

6761. The Superintendent of Public Instruction shall:

(a) Prescribe the form and manner of notification of intention to initiate a program.

(b) Prescribe the procedures for qualifying for allowances for special day classes, and for authorized instruction in other than special day classes of educationally handicapped minors.

SEC. 4. Section 6762 of the Education Code is repealed.

SEC. 5. Section 6871 of the Education Code is amended to read:

6871. With the approval of the Superintendent of Public Instruction any school district having a physically handicapped minor as defined by this chapter for whom special education facilities and services are not available and cannot be reasonably provided under the provisions of Article 1 (commencing with Section 6801) of this chapter and Article 9 (commencing with Section 8901) of Chapter 6, Division 7, 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 within or outside of California offering the special education

facilities and services made necessary by the minor's physical 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 Sections 18060 and 18102, and the amount per unit of average daily attendance provided from revenue derived from district taxation for the support of the schools of the district. 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 under this section to and from school.

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 Sections 18060 and 18102. 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 and shall not be subject to the provisions of Section 18456.

SEC. 7. Section 17402 of the Education Code is amended to read:

17402. The Superintendent of Public Instruction shall on or before February 20th of each year apportion to each elementary school district, high school district, junior college district, county school service fund, and county school tuition fund the total amounts allowed to them under Sections 6426 17751, 17801, 17851, 17901, 17902 17904, 17926, 17951, 17952, 18060, 18062, 18102, 18352, 18355, 18358, 18401, and Sections 18451 to 18456, inclusive, whichever are in effect. This apportionment shall be called the first principal apportionment.

SEC. 8. Section 17405 of the Education Code is amended to read:

17405. The Superintendent of Public Instruction shall on or before December 10th of each year apportion to each elementary, high school, and junior college district, and county school service fund the total of amounts allowed to them under Sections 18051 to 18059, inclusive, Sections 18251 to 18254, inclusive, and Sections 18301 to 18307, inclusive. This apportionment shall be called the special purpose apportionment.

SEC. 9. Section 17407 of the Education Code is amended to read:

17407. The Superintendent of Public Instruction shall on or before June 25th of each year apportion to each elementary school district, high school district, junior college district,

county school service fund, and county school tuition fund the total amounts allowed to them under Sections 6426 17751, 17801, 17851, 17901, 17902, 17904, 17926, 17951, 17952, 18060, 18062, 18102, 18352, 18355, 18358, 18401, and Sections 18451 to 18456, inclusive, whichever are in effect. This apportionment shall be called the second principal apportionment.

SEC. 10. Section 17666.2 of the Education Code is amended to read:

17666.2. (a) Except for a junior college district which qualifies under subdivision (b), for each junior college district, he shall multiply the number of units of average daily attendance, during the fiscal year, in grades 13 and 14 computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, by six hundred twenty-eight dollars ($628).

(b) For each junior college district which has an average daily attendance of less than 1,001 during the fiscal year 1965–1966 and during the fiscal year 1966–1967, and for each junior college district which has an average daily attendance of less than 1,001 during the fiscal year and qualifies as a necessary small junior college district as defined in Section 17666.3 for the fiscal year 1967–1968 and fiscal years thereafter, the Superintendent of Public Instruction shall make one of the following computations selected with regard only to the number of certificated employees employed or average daily attendance, whichever provides the lesser amount.

(1) For one which has an average daily attendance of less than 151 and for which at least 12 certificated employees were employed full time, he shall compute one hundred sixty-nine thousand dollars ($169.000).

(2) For one which has an average daily attendance of 151 or more and less than 201 for which at least 15 certificated employees were employed full time, he shall compute two hundred twenty thousand dollars ($220,000).

(3) For one which has an average daily attendance of 201 or more and less than 301 and for which at least 18 certificated employees were employed full time, he shall compute two hundred seventy-one thousand dollars ($271,000).

(4) For one which has an average daily attendance of 301 or more and less than 401 and for which at least 21 certificated employees were employed full time, he shall compute three hundred twenty-two thousand dollars ($322,000).

(5) For one which has an average daily attendance of 401 or more and less than 501 and for which at least 24 certificated employees were employed full time, he shall compute three hundred seventy-three thousand dollars ($373,000).

(6) For one which has an average daily attendance of 501 or more and less than 601 and for which at least 27 certificated employees were employed full time, he shall compute four hundred twenty-four thousand dollars ($424,000).

(7) For one which has an average daily attendance of 601 or more and less than 701 and for which at least 30 certificated

employees were employed full time, he shall compute four hundred seventy-five thousand dollars ($475,000).

(8) For one which has an average daily attendance of 701 or more and less than 801 and for which at least 33 certificated employees were employed full time, he shall compute five hundred twenty-six thousand dollars ($526,000).

(9) For one which has an average daily attendance of 801 or more and less than 901 and for which at least 36 certificated employees were employed full time, he shall compute five hundred seventy-seven thousand dollars ($577,000).

(10) For one which has an average daily attendance of 901 or more and less than 1,001 and for which at least 39 certificated employees were employed full time, he shall compute six hundred twenty-eight thousand dollars ($628,000).

(c) A junior college district shall not be eligible for the foundation program computed under subdivision (b), unless it levies during the fiscal year a tax, exclusive of taxes levied under Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801 and 22101, of not less than thirty-five cents ($0.35).

For purposes of this section and Section 17851, the average daily attendance of a junior college district shall, subject to the provisions of Section 17611, be computed in the manner prescribed by Sections 11451 and 11501 except that there shall be excluded from the computation the attendance of all students deemed "nonresident" or "nondistrict resident" as defined in Sections 25505 and 25505.1, and there shall be included in the computation the attendance of all "district resident" students as defined in Sections 25505 and 25505.1 residing in the district who were in attendance at a junior college in another district. Notwithstanding the above provisions of this section, the attendance of students deemed nonresidents as provided in Sections 25505 and 25505.1 shall be included in the average daily attendance of a junior college for the purposes of Section 17851.

The Superintendent of Public Instruction shall exclude from the computation provided by this section the average daily attendance during the fiscal year of adults, as adults are defined in Section 5756, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp, or farm for adults.

(d) In the event a junior college district to which the provisions of subdivision (b) of this section applies is included by any reorganization authorized by law in a junior college district which has an average daily attendance of 1,001 or more, the Superintendent of Public Instruction shall continue to compute the foundation program for the junior college district included by such reorganization in accordance with the provisions of subdivision (b) of this section.

SEC. 11. Section 17906.2 of the Education Code is amended to read:

17906.2. No state equalization aid shall be allowed unless there shall have been levied pursuant to this code, for a district during the fiscal year, a tax, exclusive of taxes levied under Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801, and 22101, of not less than one dollar ($1) if an elementary district, eighty cents ($0.80) if a high school district, and twenty-five cents ($0.25) if a junior college district.

SEC. 12. Section 17907 of the Education Code is amended to read:

17907. No state equalization aid shall be allowed under Sections 17901, 17902, and 17904 to any district included within a unified school district unless there shall have been levied, pursuant to this code, for such unified school district during the fiscal year, exclusive of tax levied under Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801, and 22101, a tax in not less than the amount determined by adding the rates of tax required to be levied under Section 17906.2, as may be applicable for each type of district included within the unified school district.

SEC. 13. Section 17908 of the Education Code is repealed.

SEC. 14. Section 17909 of the Education Code is repealed

SEC. 15. Section 17921 of the Education Code is amended to read:

17921. For each elementary school district, the Superintendent of Public Instruction shall determine that portion of the general fund tax rate of the district converted to the nearest cent which is in excess of one dollar ($1), exclusive of rates levied pursuant to Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801, and 22101, and not to exceed sixty cents ($0.60).

SEC. 16. Section 17922 of the Education Code is amended to read:

17922. For each high school district, the Superintendent of Public Instruction shall determine that portion of the general fund tax rate of the district converted to the nearest cent which is in excess of eighty cents ($0.80), exclusive of rates levied pursuant to Sections 1822.2, 1825, 16633, 16635, 16645.9 19443, 19619, 20801, and 22101, and not to exceed twenty cents ($0.20).

SEC. 17. Section 17923 of the Education Code is amended to read:

17923. For each unified school district, the Superintendent of Public Instruction shall determine that portion of the general fund tax rate which is in excess of (1) one dollar and eighty cents ($1.80), if deemed to be an elementary school district and a high school district under Section 17601, and (2) two dollars and fifteen cents ($2.15), if deemed to be a junior college district under Section 17601, exclusive of rates levied pursuant to Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801, and 22101.

In determining the allowances under this article, the rate computed under this section shall first be applied to the elementary school district to the extent authorized in Section 17924, and second to the high school district to the extent authorized in Section 17925.

SEC. 18. Section 18101 of the Education Code is amended to read:

18101. The Superintendent of Public Instruction shall allow, during the current fiscal year, to each school district and county superintendent of schools maintaining special day classes for the education of physically handicapped minors (as defined by Sections 6801 and 6802), mentally retarded minors (as defined by Sections 6901 and 6902), severely mentally retarded minors (as defined by Section 6903), and educationally handicapped minors (as defined by Section 6750), the amounts prescribed by this article for each of the respective types of class maintained for the fiscal year.

SEC. 19. Section 18101.5 of the Education Code is amended to read:

18101.5. For purposes of this article the State Board of Education shall adopt rules and regulations, based upon principles to govern the education of handicapped pupils as developed by competent authority in the field of educating such pupils, to accomplish the following:

(a) Establish appropriate distinctions between special day classes and other forms of instructional methods or organization by which instruction is afforded to the various categories of handicapped minors.

(b) Establish appropriate class sizes for each category of handicapped minor for the special day classes.

SEC. 20. Section 18102 of the Education Code is amended to read:

18102. (1) The Superintendent of Public Instruction shall allow to each school district and each county superintendent of schools, for each special day class, maintained during the current fiscal year, of the size prescribed by the State Board of Education for the particular category of handicapped pupils involved, an amount as follows:

(a) For mentally retarded minors (as defined by Section 6902)	$7,830
(b) For mentally retarded minors (as defined by Section 6903)	9,540
(c) For educationally handicapped minors (as defined by Section 6750)	13,680
(d) For physically handicapped minors (as defined by Section 6801)	12,215

(2) Insofar as practicable, the attendance in each school district of the particular categories of minors enumerated in subdivision (1) shall be concentrated in a minimum number of such classes. For any special day class for educationally

handicapped minors or physically handicapped minors in which are enrolled fewer than one-half of the number of pupils prescribed by the State Board of Education as the appropriate class size for the particular category of minors involved, there shall be allowed to the district, in lieu of the allowance specified in subdivision (1), an amount of one thousand one hundred forty dollars ($1,140) per pupil in average daily attendance in each such class for educationally handicapped minors in the current fiscal year, and one thousand eighteen dollars ($1,018) per pupil in average daily attendance in each such class for physically handicapped minors in the current fiscal year.

For any special day class for mentally retarded minors (as defined by Section 6902) or mentally retarded minors (as defined by Section 6903) in which are enrolled fewer than one-half of the number of pupils prescribed by the State Board of Education as the appropriate class size for the particular category of minors involved, there shall be allowed to the district, in lieu of the allowance specified in subdivision (1), an amount of four hundred thirty-five dollars ($435) per pupil in average daily attendance in each such class for mentally retarded minors (as defined by Section 6902) in the current fiscal year, and seven hundred ninety-five dollars ($795) per pupil in average daily attendance in each such class for mentally retarded minors (as defined by Section 6903) in the current fiscal year.

(3) In addition to the allowances provided under subdivisions (1) and (2), the following amounts per pupil in average daily attendance in the current fiscal year shall be allowed to each school district and county superintendent of schools:

(a) For instruction of educationally handicapped minors in learning disability groups, one thousand eight hundred eighty dollars ($1,880).

(b) For instruction of educationally handicapped minors in homes or in hospitals, one thousand five hundred ninety dollars ($1,590).

(c) For instruction of physically handicapped minors in remedial physical education, seven hundred seventy-five dollars ($775).

(d) For remedial instruction of physically handicapped minors in other than physical education, two thousand dollars ($2,000).

(e) For instruction of blind pupils when a reader has actually been provided to assist the pupil with his studies, or when braille books are purchased, ink print materials are transcribed into braille, or sound recordings and other special supplies and equipment are purchased for blind pupils, nine hundred ten dollars ($910).

(f) For other individual instruction of physically handicapped minors, one thousand three hundred dollars ($1,300).

(g) For the instruction of physically handicapped minors in regular day classes, one thousand eighteen dollars ($1,018).

(4) The allowances provided under subdivisions (1), (2), and (3), may be increased proportionately on account of special day classes convened, or other instruction provided a pupil, for days in a school year which are in excess of the number of days in the school year on which the regular day schools of a district are convened.

The Superintendent of Public Instruction shall compute for each applicant school district and county superintendent of schools in providing in such year a program of specialized consultation to teachers, counselors and supervisors for educationally handicapped minors, an amount equal to the product of ten dollars ($10) and the average daily attendance of those pupils enrolled in special day classes, learning disability groups, and home and hospital instruction for the educationally handicapped.

SEC. 21. Section 18104 of the Education Code is repealed.

SEC. 22. Section 18451 of the Education Code is amended to read:

18451. (a) The total amount allowed from the State School Fund as basic and equalization aid, and allowances in lieu of basic and equalization aid allowed pursuant to Sections 18355, 18356, 18357, 18358 and 18401, to be apportioned on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and county school tuition funds on account of elementary, high school, and junior college school pupils shall not exceed the amount provided by law therefor.

(b) The total amount allowed from the State School Fund pursuant to Sections 18060, 18062, and 18102 shall not exceed the amount provided by law therefor.

SEC. 23. Section 18453 of the Education Code is amended to read:

18453. If the total amount allowed from the State School Fund to all school districts and county school service funds under Sections 18060, 18062, and 18102 on account of average daily attendance during the fiscal year is less than the total amount provided by law for such purposes, the balance shall be allowed pursuant to Section 18460.

SEC. 24 Section 18456 of the Education Code is amended to read:

18456. If the total amount allowed from the State School Fund to all districts and county school service funds under Sections 18060, 18062, and subdivisions 1(a), 1(b), 1(d), 3(c), 3(d), 3(e), 3(f), and 3(g) of Section 18102, inclusive, on account of average daily attendance during the fiscal year is more than the total amount provided by law for such purposes, the total amount allowed each such district and each such county school service fund from the State School Fund pursuant to said sections shall be reduced proportionately.

SEC. 25. Section 18456.1 is added to the Education Code, to read:

18456.1. If the total amount allowed from the State School Fund to all districts under Section 6426, on account of pupils participating and identified during the fiscal year, is more than the total amount provided by law for such purposes, the total amount allowed each such district shall be reduced proportionately.

SEC. 26. Section 18456.2 of the Education Code is amended to read:

18456.2. If the total amount allowed from the State School Fund to all districts and county school service funds under subdivisions 1(c), 3(a), 3(b), and 4(b) of Section 18102 on account of average daily attendance during the fiscal year is more than the total amount provided by law for such purposes, the total amount allowed each such district and each such county school service fund from the State School Fund pursuant to said sections shall be reduced proportionately.

CHAPTER 929

An act to add Chapter 6 (commencing with Section 31300) to Division 17 of the Streets and Highways Code, relating to the Los Angeles County Toll Tunnel Authority.

[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 31300) is added to Division 17 of the Streets and Highways Code, to read:

CHAPTER 6. LOS ANGELES COUNTY TOLL TUNNEL AUTHORITY ACT

Article 1. General Provisions

31300. This chapter may be cited as the Los Angeles County Toll Tunnel Authority Act.

31301. Unless the particular provision or the context otherwise requires the general provisions set forth in this article govern the construction of this chapter.

31302. "Authority" means the Los Angeles County Toll Tunnel Authority.

31303. "Toll tunnel" means a tunnel through the San Gabriel Mountains between Antelope Valley and the metropolitan southern California area.

31304. "Transportation facilities" means all facilities for the transportation of passengers and property to and through the toll tunnel and the approaches to each end thereof. "Trans-

portation facilities" includes terminals, stations, viaducts, rails, tracks, power stations, substations and equipment and power supply lines, storage yards, and the real property, easements, and rights-of-way upon which any of them are located or situated or which are necessary therefor, and equipment, signals and interlockers, cars and rolling stock, and franchises, rights, and privileges appurtenant thereto.

31305. "Additional transportation facilities" means all facilities for the transportation of passengers and property connected or coordinated with, or to be connected or coordinated with, the transportation facilities of the toll tunnel so as to provide a system of transportation for persons or property to and from that toll tunnel and the area within 50 miles from either end of that toll tunnel. "Additional transportation facilities" includes all of the personal and real properties, easements, rights-of-way, franchises, rights, and privileges which are included in "transportation facilities," without limitation to the use thereof for the transportation of passengers and property to and through the toll tunnel, to the extent that the use thereof in connection or coordination with the transportation facilities of the toll tunnel provides a system of transportation for persons or property to and from that toll tunnel and the area within 50 miles from either end of the toll tunnel.

Article 2. Organization of the Authority

31310. The Los Angeles County Toll Tunnel Authority is hereby created. The authority shall be governed by a board consisting of the Members of the Board of Supervisors of Los Angeles County.

31311. All of the members of the authority shall serve thereon without compensation, but they shall receive their necessary actual traveling expenses incurred in the discharge of their duties.

31312. A majority of the members of the authority may act for the authority.

31313. The authority may employ a secretary, a treasurer, an attorney, a chief engineer, and such other persons as are necessary to enable it properly to perform the duties imposed upon it by this chapter.

31314. The authority may sue and be sued in the name of the Los Angeles County Toll Tunnel Authority.

31315. The authority shall select one of its members to serve as chairman of the authority.

Article 3. General Powers and Duties of the Authority

31320. The authority shall study the engineering and financial feasibility of the construction, operation, and maintenance of the toll tunnel, transportation facilities, and additional transportation facilities described in Sections 31303, 31304, and 31305.

31321. The authority shall submit a report of its study, when completed, to the Legislature.

Article 4. Financial and Other Assistance

31330. The authority may accept contributions of money or labor, or both, from private individuals, firms, and corporations or other organizations, contributed in aid of the study authorized pursuant to this chapter.

31331. Any city, county, district, or political subdivision of the state may contribute money or labor, or both, to the authority for the purpose of aiding in the carrying out of the study authorized pursuant to this chapter. Such contributions may be made from any funds available, including highway funds received from the state.

31332. Nothing in this article prevents the state from making appropriations from time to time in aid of the study authorized pursuant to this chapter, as the Legislature deems proper.

CHAPTER 930

An act to amend Sections 2104, 2107, 2110, and 2152 of, and to add Section 2110.5 to, the Streets and Highways Code, relating to city streets and county roads.

[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 2104 of the Streets and Highways Code is amended to read:

2104. A sum equal to the net revenue derived from 1.625 cents ($0.01625) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned among the counties, as follows:

(a) Each county shall be paid one thousand six hundred sixty-seven dollars ($1,667) during each calendar month, which amount shall be expended exclusively for engineering costs and administrative expenses in respect to county roads.

(b) A sum equal to the total of all reimbursable snow removal costs filed pursuant to subdivision (d) of Section 2152, or one million dollars ($1,000,000), whichever is less, shall be apportioned in 12 approximately equal monthly apportionments for snow removal on county roads as provided in Section 2110.

(c) A sum equal to five hundred thousand dollars ($500,000) shall be apportioned in 12 approximately equal monthly apportionments, as provided in Section 2110.5.

(d) Seventy-five percent (75%) of the funds payable under this section shall be apportioned among the several counties monthly in the respective proportions that the number of fee-

paid and exempt vehicles registered, as calculated by the Department of Motor Vehicles pursuant to Section 4004.5 of the Vehicle Code, in each county bears to the total number of fee-paid and exempt vehicles registered in the state during the 12 calendar months covered by the 12 verified statements of registrations last filed with the State Controller, as herein provided, prior to the making of such apportionment.

For purposes of apportionment under this subdivision, the Department of Motor Vehicles shall, as soon as possible after the last day of each calendar month, furnish to the State Controller a verified statement showing the number of fee-paid and exempt vehicles registered in each county and in the state during the preceding calendar month.

(e) Of the remaining moneys payable there shall be paid to each eligible county an amount monthly computed, as follows: The number of miles of maintained county road in each county shall be multiplied by forty-two dollars ($42); from the resultant amount there shall be deducted the amount received by each county under subdivision (d) of this section and the remainder, if any, shall be paid to each county.

(f) The remaining moneys payable after the foregoing apportionments shall be apportioned among the several counties in the same proportion as the moneys referred to in subdivision (d) of this section.

SEC. 2. Section 2107 of the Streets and Highways Code is amended to read:

2107. A sum equal to 72.5 percent of one cent ($0.00725) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned monthly to the cities and cities and counties of this state from the Highway Users Tax Fund as provided in this section.

From such amount, the Controller shall allocate annually to each city which has filed a report containing the information prescribed by subdivision (c) of Section 2152 and which had expenditures in excess of five thousand dollars ($5,000) during the preceding fiscal year for snow removal, an amount equal to one-half of the amount of its expenditures for snow removal in excess of five thousand dollars ($5,000) during such fiscal year.

The balance of such apportionments from the Highway Users Tax Fund shall be made to each city, including city and county, in the proportion that the total population of such city bears to the total population of all cities in this state. For the purpose of this section the population in each city is that determined by the last preceding federal census. In the case of a city incorporated subsequent to the last census, or in the case of inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city, or of the annexed territory, by multiplying the number of registered electors therein by three or, at the election of the city, the population

of annexed territory may be ascertained pursuant to Section 2107.2. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the annexed territory, by the use of any federal decennial or special census or an estimate pursuant to Section 2107.2 by which the population of the annexed territory was counted, or, if no such other estimate or census was made, by multiplying the number of registered electors therein by three two years after the completion of annexation proceedings or at such earlier time as the legislative body may request.

SEC. 3. Section 2110 of the Streets and Highways Code is amended to read:

2110. The moneys payable to the counties under subdivision (b) of Section 2104 shall be apportioned monthly among the several counties as follows:

A sum equal to the total of all reimbursable snow removal costs filed pursuant to subdivision (d) of Section 2152, or one million dollars ($1,000,000), whichever is less, shall be apportioned in 12 approximately equal monthly apportionments for snow removal on county roads as follows:

If such total is less than one million dollars ($1,000,000), the full amount of such reimbursable snow removal costs shall be apportioned to the several counties in an amount equal to that computed pursuant to subdivision (d) of the report filed by each such county pursuant to Section 2152.

If such total is one million dollars ($1,000,000) or more, each fiscal year the Controller shall compute percentages for the apportionment of one million dollars ($1,000,000) to the several counties in the state for snow removal on county roads, including the purchase of snow removal equipment therefor, and shall apportion such amount to the counties in the computed percentages. The percentage each county is to be apportioned during such fiscal year shall be derived by adding its reimbursable snow removal expenditures for the three preceding fiscal years as to which the Controller has received snow removal expenditure reports pursuant to Section 2152, and dividing the sum by the total amount of reimbursable snow removal expenditures by all counties in the state during said fiscal years.

On or before the first day of March of each year, the Controller shall notify each county of the amount apportioned to it pursuant to this section for expenditure for snow removal on county roads during the following fiscal year.

SEC. 4. Section 2110.5 is added to the Streets and Highways Code, to read:

2110.5. The money payable to the counties under subdivision (c) of Section 2104 shall be apportioned monthly for heavy rainfall and storm damage on county roads to the following counties in the named percentages:

Alameda	2.629
Amador	.135
Butte	.161
Colusa	.339
Contra Costa	10.575
Del Norte	.251
Fresno	.639
Humboldt	4.935
Los Angeles	9.913
Marin	3.781
Mendocino	2.084
Monterey	3.701
Napa	1.950
Nevada	.718
Orange	.051
Placer	.085
Plumas	.897
Riverside	1.185
San Benito	1.070
San Bernardino	2.609
San Francisco	1.016
San Diego	2.760
San Luis Obispo	5.782
Santa Barbara	7.661
Santa Cruz	12.162
Sierra	.333
Siskiyou	.814
Sonoma	10.238
Trinity	2.137
Ventura	8.543
Yuba	.846

SEC. 5. Section 2152 of the Streets and Highways Code is amended to read:

2152. The report shall contain the following:

(a) A detailed statement of all money available from all sources during the fiscal year covered by the report, including money made available by the United States, the state, the county or city, any other governmental agency, and money available from bond issues, special assessments, or from any other source whatever for expenditure for street or road purposes.

(b) A detailed statement of all expenditures during the fiscal year covered by the report for street or road purposes, including obligations incurred but not yet paid. The statement shall be broken down into expenditure categories, such as expenditures for rights-of-way or other property, new construction, reconstruction, widening, resurfacing, maintenance, repair, and acquisition and maintenance of equipment.

The State Controller, with the advice of the department, may prescribe such other expenditure categories and may re-

quire such detail as may be deemed necessary by him fully to disclose the nature and extent of all financial transactions by the county or city relating to streets or roads.

(c) A detailed statement of all expenditures during the fiscal year covered by the report for snow removal, including expenditures of money apportioned pursuant to Section 2107 or 2110. The statement shall include equipment costs in connection with snow removal on an hourly rental basis or on such other annual basis as the State Controller may require.

(d) In addition, the county shall compute its reimbursable snow removal costs. Such reimbursable snow removal costs shall be in an amount equal to 80 percent of the expenditures described in subdivision (c) that are in excess of five thousand dollars ($5,000).

CHAPTER 931

An act to amend Sections 20021.5, 20022, and 20023 of, and to add Section 20023.1 to, the Education Code, relating to junior college construction, making an appropriation therefor, and 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 20021.5 of the Education Code is amended to read:

20021.5. "Federal funds" means construction and equipment moneys provided by the federal government to a junior college district for a project or any part of a project, which are or will be available to the district under the Higher Education Facilities Act of 1963 (Public Law 88-204), the Vocational Education Act of 1963 (Public Law 88-210), the National Defense Education Act of 1958 (Public Law 85-864), the Higher Education Act of 1965 (Public Law 89-329), and Public Law 815 entitled "School Facilities-Areas Affected by Federal Activities."

SEC. 1.5. Section 20022 of the Education Code is amended to read:

20022. "District entitlement" shall be computed for each junior college district for the 1967–1968 fiscal year based upon estimated growth in weekly student contact hours during that year. The entitlement shall be computed by multiplying one-half of the "average cost of providing junior college facilities" for the district by the "relative district ability," multiplying this product by the "growth in weekly student contact hours" of "resident students" for the district for the fiscal year, which shall be called the minimum district share, and this minimum district share shall be subtracted from the "cost of

providing junior college facilities" for the district. The remainder shall be called the district entitlement.

SEC. 2. Section 20023 of the Education Code is amended to read:

20023. "District entitlement" shall be computed for each junior college district beginning with the 1968–69 fiscal year based upon the estimated growth in weekly student contact hours during that year. The entitlement shall be computed by multiplying one-half of the "average cost of providing junior college facilities" for the district by the "relative district ability," multiplying this product by the "growth in weekly student contact hours," of "resident students" for the district for the fiscal year, which shall be called the minimum district share, and shall be subtracted from the "cost of providing junior college facilities" for the district, which remainder shall be called the district entitlement.

SEC. 2.5. Section 20023.1 is added to the Education Code, to read:

20023.1. For fiscal years 1967–68 and 1968–69, the Department of Finance shall determine the total cost of each project based on appropriate costs for the type and scope of such project, or any part thereof as included in the application for each of such fiscal years.

If federal funds as defined in Section 20021.5 are granted to a district for a project for fiscal years 1967–68 or 1968–69, the total cost of the project as determined by the Department of Finance shall be reduced by the amount of such grant in each of such fiscal years. The remainder shall be used in the computation of the ratio of state funds to local property tax funds pursuant to Section 20022 or 20023, or Section 20043 in the event of accumulated district entitlement.

SEC. 3. This act shall be given retroactive effect, and shall be construed, interpreted and applied, and shall for purposes of the computation of the district's share by the Department of Education be deemed to authorize the computation of such district's share from and after June 30, 1967, according to the provisions of this act.

SEC. 3.5. There is hereby appropriated from the State Construction Program Fund to the Board of Governors of the California Community Colleges, in augmentation of the appropriation made by Item 369 of the Budget Act of 1968 and for the purposes specified in Section 2.4 and Item 369 of the Budget Act of 1968, the sum of one million six hundred twenty-five thousand dollars ($1,625,000), or so much thereof as may be necessary for such purposes. Such moneys shall be allocated for expenditure in augmentation of the amounts provided for the eligible projects enumerated in Item 369 pursuant to agreement between the Department of Finance and the Board of Governors of the California Community Colleges; provided that any undistributed amounts remaining from this appropriation, plus any return of state funds realized from projects enumerated in Item 332 of the Budget Act of 1967,

shall revert to the unappropriated balance of the State Construction Program Fund on June 30, 1969.

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:

Confusion exists on the present state of the law with respect to computations of the districts' share under the Junior College Construction Act. In order to clarify such situation before such act expires on July 1, 1968, it is necessary that this act go into immediate effect.

CHAPTER 932

An act to amend Sections 5615, 5640, 5641, 5642, 5644, and 5651 of the Business and Professions Code, relating to the practice of landscape architecture.

[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 5615 of the Business and Professions Code is amended to read:

5615. As used in this chapter:

"Landscape architect" means a person who holds a certificate to practice landscape architecture in this state under the authority of this chapter.

A person who practices landscape architecture within the meaning and intent of this article is a person who performs professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision where the dominant purpose of such services is: (1) the preservation and enhancement of land uses and natural land features; (2) the location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways; and, (3) design for equestrian trails, plantings, landscape irrigation, landscape lighting, and landscape grading.

This practice shall include the location, arrangement, and design of such tangible objects and features as are incidental and necessary to the purposes outlined herein. Nothing herein shall preclude a duly licensed landscape architect from planning the development of land areas and elements used thereon or from performing any of the services described in this section in connection with the settings, approaches, or environment for buildings, structures, or facilities, in accordance with the accepted public standards of health, safety, and welfare.

This chapter shall not empower a landscape architect, registered under this chapter, to practice, or offer to practice, architecture or engineering in any of its various recognized branches.

"Board" means the California State Board of Landscape Architects.

SEC. 2. Section 5640 of the Business and Professions Code is amended to read:

5640. It is a misdemeanor, punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, for any person, who, without possessing a valid, unrevoked certificate as provided in this chapter, engages in the practice of landscape architecture or uses the title or term "Landscape Architect" in any sign, card, listing, advertisement, or in any other manner that would imply or indicate that he is a landscape architect as defined in this chapter.

SEC. 3. Section 5641 of the Business and Professions Code is amended to read:

5641. This chapter shall not be deemed to prohibit any person from making any plans, drawings or specifications for any property owned by him.

This chapter shall not be deemed to prohibit any person from making plans or drawings for the selection, placement, or use of plants or other elements when the execution of such plans or drawings does not affect the public health, safety and welfare.

Every person who holds a valid license issued by the State of California, under the provisions of Chapter 1 (commencing with Section 6721) of the Agricultural Code, to engage in the business of selling nursery stock in this state, insofar as he engages in the preparation of plans or drawings as an adjunct to merchandising his products, but does not use the title of "landscape architect," is exempt from registration under the provisions of this chapter.

SEC. 4. Section 5642 of the Business and Professions Code is amended to read:

5642. This chapter shall not be deemed to prevent a landscape architect from forming a partnership with, or employing, persons who are not landscape architects if the name of the landscape architect shall appear as the landscape architect on all instruments of service. In no case shall the other members of the partnership be designated or described as landscape architects.

SEC. 5. Section 5644 of the Business and Professions Code is amended to read:

5644. This chapter does not affect Chapter 3 (commencing with Section 5500) of Division 3, Chapter 7 (commencing with Section 6700) of Division 3, or Chapter 9 (commencing with Section 7000) of Division 3 of this code, relating to architects, civil engineers, and contractors, respectively.

An architect, who holds a certificate to practice architecture in this state under provisions of Chapter 3 (commencing with Section 5500) of Division 3 or of any other act to regulate the practice of architecture, insofar as he practices architecture in its various branches, is exempt from registration under the provisions of this chapter.

Any person, who holds a certificate to practice in one of the branches of engineering in this state under provision of Chapter 7 (commencing with Section 6700) of Division 3 or of any other act to regulate the practice of engineering, insofar as he practices engineering within the scope of his certificate, is exempt from registration under the provisions of this chapter and shall not be prohibited from performing landscape architectural functions incidental to the practice of engineering.

A contractor, who holds a license to engage in the business or act in the capacity of a contractor in this state under provisions of Chapter 9 (commencing with Section 7000) of Division 3 or of any other act to regulate contracting, insofar as he engages in the business or acts in the capacity of a contractor or designs systems or facilities for work to be performed and supervised by such contractor within the classification for which a license is issued, is exempt from registration under the provisions of this chapter.

A land surveyor, who holds a license to practice land surveying in this state under the provisions of Chapter 15 (commencing with Section 8700) of Division 3, insofar as he practices land surveying, is exempt from registration under the provisions of this chapter.

Building designers insofar as they practice within the scope of their registration are exempt from registration under the provisions of this chapter.

Any other person who holds a valid state license or other such authority which authorizes him to engage in a business or occupation, insofar as he engages in that business or occupation, is exempt from registration under this chapter.

A gas or electric utility and any employee thereof acting as such employee, insofar as they provide services as enumerated in Section 5615 with respect to landscape lighting shall not be required to register under this chapter.

SEC. 6. Section 5651 of the Business and Professions Code is amended to read:

5651. The board shall by means of examination, ascertain the professional qualifications of all applicants for licenses to practice landscape architecture in this state and shall issue a license to every person whom it finds to be qualified on payment of the initial license fee prescribed by this chapter.

The examination shall consist of a written examination and an oral 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 a 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.

No license shall be issued to anyone who has not demonstrated his competency by examination.

CHAPTER 933

An act to amend Section 1987 of the Code of Civil Procedure, relating to service of process.

[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 1987 of the Code of Civil Procedure is amended to read:

1987. (a) Except as provided in Sections 68097.1 to 68097.8, inclusive, of the Government Code, the service of a subpoena is made by showing the original and delivering a copy, or a ticket containing its substance, to the witness personally, giving or offering to him at the same time, if demanded by him, the fees to which he is entitled for travel to and from the place designated, and one day's attendance there. The service must be made so as to allow the witness a reasonable time for preparation and travel to the place of attendance. Such service may be made by any person.

(b) In the case of the production of a party to the record of any civil action or proceeding or of a person for whose immediate benefit an action or proceeding is prosecuted or defended or of anyone who is an officer, director, or managing agent of any such party or person, the service of a subpoena upon any such witness is not required if written notice requesting such witness to attend before a court, or at a trial of an issue therein, with the time and place thereof, is served upon the attorney of such party or person. Such notice shall be served at least 10 days before the time required for attendance unless the court prescribes a shorter time. If entitled thereto, such witness, upon demand, shall be paid witness fees and mileage before being required to testify. The giving of such notice shall have the same effect as service of a subpoena on the witness, and the parties shall have such rights and the court may make such orders, including the imposition of sanctions, as in the case of a subpoena for attendance before the court. Such notice cannot require the attendance of such witness at a place more than 150 miles from the residence of such witness.

CHAPTER 934

An act to add Chapter 9 (commencing with Section 1900) to Division 2.5 of the Welfare and Institutions Code, relating to juveniles, 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. Chapter 9 (commencing with Section 1900) is added to Division 2.5 of the Welfare and Institutions Code, to read:

CHAPTER 9. YOUTH SERVICE BUREAUS

1900. The Legislature hereby finds that delinquency prevention efforts must be concentrated at the local level to be meaningful and effective, and that while sufficient services and resources already exist in most California communities to wage a highly effective battle against delinquency, such services and resources are badly in need of coordination.

It is the intent of this act to explore the use of a program which would allow local delinquency prevention services and resources to operate within a single facility and organizational structure as a means to (a) provide needed coordination of efforts, and (b) reduce the incidence of delinquency in selected project areas.

1901. Pursuant to the provisions of this chapter, county delinquency prevention commissions may assist in the establishment of one or more youth service bureaus in a county in order to provide a wide range of services and continuity of treatment for individual youths and to eliminate duplication of delinquency-prevention efforts in a community.

1902. In order to promote the development of youth service bureaus under this chapter, the California Delinquency Prevention Commission shall select no more than four communities in the state for the establishment of pilot youth service bureau programs. The California Delinquency Prevention Commission may use the staff and services of the Division of Delinquency Prevention of the Department of the Youth Authority in selecting such communities. It shall also be the responsibility of the California Delinquency Prevention Commission, working in cooperation with local county delinquency prevention commissions, to set standards for this program and to establish guidelines for proposals to be submitted for funding under this chapter.

This program of pilot projects shall terminate on the 61st day after adjournment of the 1971 Regular Session of the Legislature.

The California Delinquency Prevention Commission shall submit annual reports to the Legislature on the progress of the Youth Service Bureau pilot projects. Such reports should

be made within 30 days after the commencement of each year's regular session. The first such report shall be made to the 1970 session. A final report shall be submitted to the 1972 session.

1903. A youth services coordinator shall be in charge of each youth service bureau. A coordinator shall be hired by the county delinquency prevention commission.

1904. To further the development of a youth service bureau, it shall be the duty of a coordinator under this chapter to reconcile, unify, clarify and make known the activities of all persons and public and private agencies and organizations in the field of delinquency prevention in the community. Accordingly, he shall call meetings of all such persons representative of such agencies and organizations in the community, including judges of the juvenile court, the chief probation officer, the local heads of public agencies for recreation, welfare, health, schools, employment, and law enforcement, and representatives from private organizations, religious groups, and ethnic minority groups involved in delinquency prevention, in order to:

(a) Determine the extent to which various departments, agencies, and organizations may wish to cooperate in a common effort and coordinate their existing programs, as well as develop new programs using the unique opportunities presented by a multiservice approach.

(b) Develop necessary formal agreements, including joint exercise of powers agreements.

(c) Consider and finalize a choice for the best possible location for a youth service bureau and the provision of necessary equipment.

A permanent managing board, to be appointed by the county delinquency prevention commission, shall be responsible for overall policy and direction of the youth service bureau project. Such board should include the chairman of the local county delinquency prevention commission, one person from each public agency or department and private organization participating in the project, and residents from the area served. Further, if there exists in the community a community coordinating council, such council should also have one representative on the managing board.

It shall be the duty of a youth services coordinator under this chapter to serve as executive officer for the managing board.

It shall also be the duty of the coordinator to seek additional funds and resources to carry out the purposes of this program, and to initiate, where feasible, other special projects in delinquency prevention, utilizing and coordinating existing resources within the community.

1905. There is hereby appropriated from the General Fund to the Department of the Youth Authority the sum of one hundred thousand dollars ($100,000) to defray expenses, including the salaries of coordinators, incurred under the pilot program established in Section 1902.

CHAPTER 935

An act to add Section 53200.4 to the Government Code, to add Section 10202.85 to, and to amend Section 10270.51 of, the Insurance Code, relating to county employee benefit programs.

[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 53200.4 is added to the Government Code, to read:

53200.4. Employees of a district may be treated as county employees for purposes of this article subject to approval of the district's governing board and the county board of supervisors.

The board of supervisors may impose as a condition to that approval a charge to cover the added costs to the county of administering the inclusion of the district's employees in the county program.

SEC. 2. Section 10202.85 is added to the Insurance Code, to read:

10202.85. A policy conforming to Section 10202.8 issued to a county may include as persons eligible, employees of a district located, wholly or partly, within such county. Such inclusion is subject to Section 53200.4 of the Government Code.

SEC. 3. Section 10270.51 of the Insurance Code is amended to read:

10270.51. The state and any political subdivisions thereof and any municipality, may provide for the type of insurance set forth in Section 10270.5 of this code the same as any private employer and may contribute to a fund established under such section the same as any private employer.

A county may include as persons eligible under its master policy issued pursuant to Section 10270.5, employees of a district located wholly or partially within the county. Such inclusion of district employees is subject to Section 53200.4 of the Government Code.

CHAPTER 936

An act to amend Section 4007 of the Penal Code, relating to prisoners.

[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 4007 of the Penal Code is amended to read:

4007. When there is no jail in the county, or when the jail becomes unfit or unsafe for the confinement of prisoners, the judge of the superior court may, by a written order filed with the county clerk, designate the jail of a contiguous county for the confinement of the prisoners of his county, or of any of them, and may at any time modify or vacate such order.

When there is any reasonable grounds to believe that a prisoner may be forcibly removed from a county jail the sheriff may remove such prisoner to any California state prison for safekeeping and it is hereby made the duty of the warden of such prison to accept and detain such prisoner in his custody until his removal is ordered by the superior court of the county from which he was delivered. Immediately upon receiving such prisoner the warden shall advise the Attorney General of that fact in writing.

When a county prisoner requires medical treatment necessitating hospitalization which cannot be provided at the county jail or county hospital because of lack of adequate detention facilities, and when, because of his past or present behavior, such prisoner presents a serious custodial problem, with the consent of the Director of Corrections, the judge of the superior court may, upon request of the county sheriff, by a written order filed with the county clerk, designate, for the confinement of such prisoner, the nearest prison or correctional facility of this state which would be able to provide the necessary medical treatment and secure confinement of such prisoner, and may at any time modify or vacate such order. The rate of compensation for such medical treatment and confinement within a California state prison or correctional facility shall be established by the Department of Corrections of this state and shall be a charge against the county making the request for such treatment and confinement.

CHAPTER 937

An act to add Chapter 15 (commencing with Section 7250) to Division 7 of Title 1 of the Government Code, relating to handicapped persons.

[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 15 (commencing with Section 7250) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 15. FACILITIES FOR HANDICAPPED PERSONS

7250. The provisions of this chapter apply to all buildings or other facilities owned, leased, operated or managed by the

state, county, city and county, district, or other political subdivision and which are usually or regularly open to the members of the public.

7251. When a building contains special toilet facilities usable by a person in a wheelchair or otherwise handicapped, a sign indicating the location of such facilities shall be posted in the building directory, in the main lobby, or at any entrance specially used by handicapped persons.

7252. When a building contains an entrance other than the main entrance which is ramped or level for use by handicapped persons, a sign showing its location shall be posted at or near the main entrance which shall be visible from the adjacent public sidewalk or way.

CHAPTER 938

An act to amend Sections 426c and 1218 of the Code of Civil Procedure, relating to divorce.

[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 426c of the Code of Civil Procedure is amended to read:

426c. In an action for divorce the complaint must set forth among other matters as near as can be ascertained the following facts:

(1) The state or country in which the parties were married.

(2) The date of marriage.

(3) The date of separation.

(4) The number of years from marriage to separation.

(5) The number of children of the marriage, if any, and if none a statement of that fact.

(6) The ages and birth date of the minor children.

(7) The social security numbers of the husband and wife, if available and if not available, a statement to such effect.

SEC. 2. Section 1218 of the Code of Civil Procedure is amended to read:

1218. Upon the answer and evidence taken, the court or judge must determine whether the person proceeded against is guilty of the contempt charged, and if it be adjudged that he is guilty of the contempt, a fine may be imposed on him not exceeding five hundred dollars ($500), or he may be imprisoned not exceeding five days, or both; provided, however, that in justice courts the judge may punish by fine or imprisonment or both, such fine not to exceed, in any case, one hundred dollars ($100), and such imprisonment one day; the conviction, specifying particularly the offense, and the judgment thereon, must be entered in the docket.

No party, who is in contempt of a court order or judgment in a divorce or separate maintenance action, shall be permitted to enforce such order or judgment, by way of execution or otherwise, either in the same action or by way of a separate action, against the other party. This restriction shall not affect nor apply to the enforcement of child support orders.

CHAPTER 939

An act to amend Sections 15252, 15275, 15279, 15281, and 15300 of the Government Code, relating to the California State Communications Advisory Board.

[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 15252 of the Government Code is amended to read:

15252. The purpose of this part is to improve and coordinate the use of radio and other communications facilities owned and operated by the state, and to coordinate and cooperate with cities, counties, and other political subdivisions thereof, in order to eliminate duplications and interferences, to bring about economies which could not otherwise be obtained.

SEC. 2. Section 15275 of the Government Code is amended to read:

15275. There is in the state government the California State Communications Advisory Board which consists of:

(a) The Director of General Services.

(b) The Attorney General or his designated representative, the Adjutant General or his designated representative, the Director of the California Disaster Office or his designated representative, the Commissioner of the California Highway Patrol or his designated representative, the Director of Conservation or his designated representative, the Director of Public Works or his designated representative, the Director of the Department of Water Resources or his designated representative, and a representative of the Governor.

(c) Two representatives of the law enforcement services in this state, one of whom shall be representative of city or city and county law enforcement services and shall be recommended by the League of California Cities, and one of whom shall be representative of county law enforcement services and shall be recommended by the County Supervisors Association, appointed by the Governor subject to the confirmation of the Senate.

(d) Two representatives of the fire services in this state, one of whom shall be representative of city or city and county fire services and shall be recommended by the California Fire

Chiefs Association, and one of whom shall be representative of county or district fire services and shall be recommended by the California Rural Fire Association, appointed by the Governor subject to the confirmation of the Senate.

(e) Two representatives of industry at large, appointed by the Governor subject to the confirmation of the Senate.

SEC. 3. Section 15279 of the Government Code is amended to read:

15279. Of the six members of the board appointed pursuant to subdivisions (c), (d), and (e) of Section 15275 of this article, two shall be appointed for a term expiring December 31, 1948, two for a term expiring December 31, 1949, one for a term expiring December 31, 1950, and one for a term expiring December 31, 1951. Subsequent appointments in each instance shall be for terms of four years, ending on December 31st of the fourth year after the end of the prior term, except that appointments to fill vacancies occurring for any reason other than the expiration of the term shall be for the unexpired portion of the term in which they occur. The members of the board shall hold office until their successors are appointed and qualify.

SEC. 4. Section 15281 of the Government Code is amended to read:

15281. The members of the board shall not receive compensation from the state for their services under this part but, when called to attend a meeting of the board, shall be reimbursed for their actual and necessary expenses incurred in connection with such meeting, or in lieu of such expenses shall receive mileage and twenty dollars ($20) each day of actual service.

SEC. 5. Section 15300 of the Government Code is amended to read:

15300. The board may:

(a) Provide adequate representation of local and state governmental bodies and agencies before the Federal Communications Commission in matters affecting the state and its cities, counties, and other public agencies.

(b) Provide, upon request, adequate advice to state and local agencies in the state concerning existing or proposed communications facilities between any and all of the following: cities, counties, other political subdivisions of the state, state departments, agencies, boards, and commissions, and departments, agencies, boards, and commissions of other states and federal agencies.

(c) Make and adopt necessary rules and regulations affecting the board's procedure and conduct.

(d) Recommend to the appropriate state and local agencies such rules, regulations, procedures, and methods of operation as it deems necessary to effectuate the most efficient and economical use of publicly owned and operated communications facilities within this state.

(e) Provide, upon request, information and data concerning the communications facilities which are owned and operated by

public agencies in connection with official business of public safety services.

(f) Carry out the policy of this part.

CHAPTER 940

An act to amend Sections 6011, 6012, 6052.5, 6406, 6470, 30111, 37001 and 37002 of, to repeal Sections 37003, 37004 and 37005 of, to add Sections 37003, 37004, 37005 to, and to add Article 2 (commencing with Section 37021) to Part 17 of Division 2 of, the Revenue and Taxation Code, relating to taxation for transportation development.

[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 Legislature declares that the purpose of the tax permitted by this act is to aid in the solution of the need for rapid transit systems by a general law applicable throughout the entire state. In permitting a transit district to impose the tax permitted by this act, it is necessary that this act be by means of a general authorization in order that desired facilities will be provided in an orderly manner and at a time when the areas throughout the state involved need the facilities and will be able to pay for them.

SEC. 2. Section 6011 of the Revenue and Taxation Code is amended to read:

6011. "Sales price" means the total amount for which tangible personal property is sold or leased or rented, as the case may be, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property, except as excluded by other provisions of this section.

The total amount for which the property is sold or leased or rented includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

"Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when that entire amount is refunded either in cash or credit, but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount

charged for the property that is returned. For the purpose of this section refund or credit of the entire amount shall be deemed to be given when the purchase price less rehandling and restocking costs are refunded or credited to the customer.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

(e) The amount of any tax imposed by any city, county, city and county, or rapid transit district within the State of California upon or with respect to retail sales of tangible personal property, measured by a stated percentage of sales price or gross receipts, whether imposed upon the retailer or the consumer.

(f) The amount of any tax imposed by any city, county, city and county, or rapid transit district within the State of California with respect to the storage, use or other consumption in such city, county, city and county, or rapid transit district of tangible personal property measured by a stated percentage of sales price or purchase price, whether such tax is imposed upon the retailer or the consumer.

(g) Separately stated charges for transportation from the retailer's place of business or other point from which shipment is made directly to the purchaser, but the exclusion shall not exceed a reasonable charge for transportation by facilities of the retailer or the cost to the retailer of transportation by other than facilities of the retailer; provided, that if the transportation is by facilities of the retailer, or the property is sold for a delivered price, this exclusion shall be applicable solely with respect to transportation which occurs after the purchase of the property is made.

(h) The amount of any motor vehicle fee or tax imposed by and paid the State of California that has been added to or is measured by a stated percentage of the sales or purchase price of a motor vehicle.

SEC. 3. Section 6012 of the Revenue and Taxation Code is amended to read:

6012. "Gross receipts" mean the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the board may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his vendor for tax which the vendor is required to pay to the state or has paid the use tax with respect to the property, and has resold the property prior to making any use of the property

other than retention, demonstration, or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses, or any other expense.

(c) The cost of transportation of the property, except as excluded by other provisions of this section.

The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

"Gross receipts" do not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) Sale price of property returned by customers when the full sale price is refunded either in cash or credit, but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned. For the purpose of this section refund or credit of the entire amount shall be deemed to be given when the purchase price less rehandling and restocking costs are refunded or credited to the customer.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

(e) The amount of any tax imposed by any city, county, city and county, or rapid transit district within the State of California upon or with respect to retail sales of tangible personal property measured by a stated percentage of sales price or gross receipts whether imposed upon the retailer or the consumer.

(f) The amount of any tax imposed by any city, county, city and county, or rapid transit district within the State of California with respect to the storage, use or other consumption in such city, county, city and county, or rapid transit district of tangible personal property measured by a stated percentage of sales price or purchase price, whether such tax is imposed upon the retailer or the consumer.

(g) Separately stated charges for transportation from the retailer's place of business or other point from which shipment is made directly to the purchaser, but the exclusion shall not exceed a reasonable charge for transportation by facilities of the retailer or the cost to the retailer of transportation by other than facilities of the retailer; provided, that if the transportation is by facilities of the retailer, or the property is sold for a delivered price, this exclusion shall be applicable solely

with respect to transportation which occurs after the sale of the property is made to the purchaser.

(h) The amount of any motor vehicle fee or tax imposed by and paid to the State of California that has been added to or is measured by a stated percentage of the sales or purchase price of a motor vehicle.

For purposes of the sales tax, if the retailers establish to the satisfaction of the board that the sales tax has been added to the total amount of the sale price and has not been absorbed by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

SEC. 4. Section 6052.5 of the Revenue and Taxation Code, as amended by Section 3 of Chapter 963 of the Statutes of the 1967 Regular Session of the Legislature, 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, at the 5-percent rate, and at any other combined rates of state, local and rapid transit district taxes administered by the board. 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

The remainder of the schedules at the 4-percent rate and at the 5-percent rate 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. 4 5. Section 6052 5 of the Revenue and Taxation Code, as amended by Section 60 of Chapter 1209 of the Statutes of the 1967 Regular Session of the Legislature and as further amended by Section 2 of Chapter 408 of the Statutes of the 1968 Regular Session of the Legislature, 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 and at any other combined rates of state, local and rapid transit district taxes administered by the board. The schedules shall be identical with the following tables up to the amounts specified therein:

4 percent	
Price	Tax
.01–.12	.00
.13–.34	.01
.35–.59	.02
.60–.87	.03

5 percent	
Price	Tax
.01– .10	.00
.11– .27	.01
.28– .47	.02
.48– .68	.03
.69– .89	.04
.90–1.09	.05

3½ percent	
Price	Tax
.01– .13	.00
.14– .40	.01
.41– .68	.02
.69– .99	.03
1.00–1.28	.04

4½ percent	
Price	Tax
.01– .12	.00
.13– .30	.01
.31– .51	.02
.52– .77	.03
.78– .99	.04
1.00–1.22	.05

The remainder of the schedules at the 3½-percent rate and at the 4½-percent rate 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. 5. Section 6406 of the Revenue and Taxation Code is amended to read:

6406. A credit shall be allowed against, but shall not exceed, the taxes imposed on any person by Chapter 3 (commencing with Section 6201) of this part, by any ordinance enacted pursuant to Part 1.5 (commencing with Section 7200) of this division and by any ordinance enacted pursuant to Article 2 (commencing with Section 37021) of Part 17 of this division by reason of the storage, use, or other consumption of tangible personal property in this state to the extent that the person has paid a retail sales or use tax, or reimbursement therefor, imposed with respect to that property by any other state, political subdivision thereof, or the District of Columbia prior to the storage, use, or other consumption of that property in this state. The credit shall be apportioned to the taxes against which it is allowed in proportion to the amounts of those taxes.

A credit, otherwise permitted by the foregoing provisions of this section, shall not be allowed against taxes which are measured by periodic payments made under a lease, to the extent that the taxes imposed by any other state, political subdivision thereof, or the District of Columbia were also measured by periodic payments made under a lease for a period prior to the storage, use, or other consumption of the property in this state.

SEC. 6. Section 6470 of the Revenue and Taxation Code is amended to read:

6470. The provisions of this article do not apply to persons filing returns for other than quarterly periods. The provisions of this article apply to taxes imposed under ordinances adopted pursuant to Part 1.5 (commencing with Section 7200) or Article 2 (commencing with Section 37021) of Part 17 of this division in the same manner and to the same extent that the provisions of this article apply to taxes imposed under this part.

SEC. 7. Section 30111 of the Revenue and Taxation Code is amended to read:

30111. The taxes imposed by this part are in lieu of all other state, county, municipal, or district taxes on the privilege of distributing cigarettes.

This section does not prohibit the application of Part 1 (commencing at Section 6001), Part 1.5 (commencing at Section 7200) or Article 2 (commencing with Section 37021) of Part 17 of Division 2 of this code to the sale, storage, use or other consumption of cigarettes.

SEC. 8. Section 30111 of the Revenue and Taxation Code is amended to read:

30111. The taxes imposed by this part are in lieu of all other state, county, municipal, or district taxes on the privilege of distributing cigarettes. No city, whether chartered or general law, or city and county, shall impose a selective local tax on, or with respect to, the sale, distribution, use, consumption, or holding of cigarettes.

This section does not prohibit the application of Part 1 (commencing at Section 6011), Part 1.5 (commencing at Section 7200) of Division 2 or Article 2 (commencing with Section 37021) of Part 17 of Division 2 of this code to the sale, storage, use or other consumption of cigarettes.

SEC. 9. Section 37001 of the Revenue and Taxation Code is amended to read:

37001. The provisions of this part shall be applicable only within counties having a population of 1,000,000 persons or more as determined by the last federal decennial census. The powers of taxation conferred upon rapid transit districts by this part shall be in addition to all other powers of taxation conferred by law upon rapid transit districts.

SEC. 10. Section 37002 of the Revenue and Taxation Code is amended to read:

37002. As used in this part, the following terms have the meanings ascribed to them in this section unless the context clearly indicates to the contrary:

(a) "Rapid transit district" means a public corporation organized pursuant to state law, designated in its enabling legislation as a rapid transit district, the governing body of which is either elected by the inhabitants of its territory or appointed by city or county boards or officers elected by the inhabitants of its territory, and which is authorized by state law to construct and operate a rapid transit system.

(b) "Rapid transit system" means any system for the transportation of passengers and their incidental baggage by means other than by chartered bus, sightseeing bus, taxi, or any other motor vehicle not on an individual passenger fare-paying basis.

(c) "Special tax or taxes" means the tax or taxes imposed as authorized by this part.

SEC. 11. Section 37003 of the Revenue and Taxation Code is repealed.

SEC. 12. Section 37003 is added to the Revenue and Taxation Code, to read:

37003. In counties or portions of counties which are included within the territory of a rapid transit district, the board of directors of the rapid transit district may adopt ordinances relating to one or more of the special taxes provided for in this part, for the payment of any bonds of the district or for any other district purposes.

SEC. 13. Section 37004 of the Revenue and Taxation Code is repealed.

SEC. 14. Section 37004 is added to the Revenue and Taxation Code, to read:

37004. No taxes authorized by this part shall be levied to pay principal and interest on any bonds of the rapid transit district, nor for other district purposes unless the board shall have authorized the same by ordinance adopted by a vote of two-thirds of all members of the board and such ordinance shall be approved by the requisite number of votes required by the principal act of the rapid transit district to be cast by the qualified electors of the district voting on the proposition at an election called for that purpose. The board in such ordinance shall state the nature of the tax to be imposed, shall provide the tax rate or rates or the maximum tax rate or rates and shall specify the purpose or purposes for which the revenue derived from the tax will be used. The board in such ordinance may provide for limitations upon the time when such tax shall be in effect. Any tax rate or maximum tax rate adopted pursuant to this article, unless otherwise prohibited, may be increased when authorized by the board by ordinance adopted in the manner and by the vote stated in this section and approved by the requisite number of votes required by the principal act of the rapid transit district to be cast by the qualified electors of the district voting at an election called for that purpose.

SEC. 15. Section 37005 of the Revenue and Taxation Code is repealed.

SEC. 16. Section 37005 is added to the Revenue and Taxation Code, to read:

37005. The provisions of any bond ordinance incorporating or providing for the application of the proceeds from any special taxes under this part within a rapid transit district to paying principal and interest on any bonded indebtedness, providing for any sinking fund payments and creating or maintaining any reserve fund required by law shall be valid and enforceable irrespective of whether such bond ordinance was enacted or approved by the voters prior to the effective date of this section.

SEC. 17. Article 2 (commencing with Section 37021) is added to Part 17 of Division 2 of the Revenue and Taxation Code, to read:

Article 2. Retail Transactions and Use Tax

37021. If authorized by the voters as provided in this part a transactions and use tax ordinance may be adopted in accordance with the provisions of this article.

The transactions tax portion of any transaction and use tax ordinance shall be imposed for the privilege of selling tangible personal property at retail, and shall include provisions in substance as follows:

(1) A provision imposing a tax for the privilege of selling tangible personal property at retail upon every retailer in the rapid transit district at a rate of up to one-half of 1 percent of the gross receipts of the retailer from the sale of all tangible personal property sold by him at retail in that rapid transit district.

(2) Provisions identical to those contained in Part 1 (commencing with Section 6001) of this division, excepting Sections 6203 and 6376, insofar as they relate to sales taxes and are not inconsistent with this article, except that the name of the transit district as the taxing agency shall be substituted for that of the state and that an additional transactor's permit shall not be required if a seller's permit has been or is issued to the transactor under Section 6067 of the Revenue and Taxation Code.

(3) A provision that all amendments subsequent to the effective date of this article to Part 1 (commencing with Section 6001) of this division relating to sales tax and not inconsistent with this article, shall automatically become a part of the transactions and use tax ordinance.

(4) A provision that purchases of property by operators of common carriers and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels, principally outside the transit district are exempt from the tax.

(5) A provision that the amount subject to tax shall not include the amount of sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law.

37022. The use tax portion of any transactions and use tax ordinance adopted under this article shall impose a complementary tax upon the storage, use or other consumption in the rapid transit district of tangible personal property purchased from any retailer for storage, use or other consumption in the rapid transit district. Such tax shall be at a rate of up to one-half of 1 percent of the sales price of the property whose storage, use or other consumption is subject to the tax and shall be at the same rate as the transactions tax imposed hereunder. The use tax portion shall include:

(1) Provisions identical to the provisions contained in Part 1 (commencing with Section 6001) of this division, excepting Sections 6203 and 6376, other than Section 6201, insofar as

such provisions relate to the use tax and are not inconsistent with this article, except that the name of the rapid transit district as the taxing agency enacting the ordinance shall be substituted for that of the state.

(2) A provision that all amendments subsequent to the effective date of this article to the provisions of Part 1 (commencing with Section 6001) of this division relating to the use tax and not inconsistent with this article shall automatically become a part of the ordinance.

(3) A provision that the storage, use or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to a transactions tax under a transactions and use tax ordinance enacted in accordance with this article shall be exempt from any use tax due under the ordinance.

(4) A provision that the storage or use of tangible personal property in the transportation or transmission of persons, property, or communications or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California shall not be subject to a use tax.

(5) A provision that the amount subject to tax shall not include the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law.

(6) A provision that, except as provided by Section 6292, every retailer maintaining a place of business in the rapid transit district who utilizes that place of business in any way, including, but not limited to soliciting or receiving the orders or delivering the property, in making a sale of tangible personal property for storage, use, or other consumption in the district shall, at the time of making the sale or, if the storage, use, or other consumption of the tangible personal property is not then taxable under the ordinance, at the time the storage, use, or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the board.

As respects leases constituting sales of tangible personal property, the tax shall be collected from the lessee at the time amounts are paid by the lessee under the lease.

"Retailer maintaining a place of business in the rapid transit district" includes any retailer maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place or other place of business in the district.

(7) Provisions that: (a) the ordinance imposing a transactions and use tax pursuant to this article and any ordinance changing the rate of tax shall be operative not earlier than

the first day of the first calendar quarter following the adoption of the ordinance; (b) prior to the operative date of any ordinance imposing a transactions and use tax pursuant to this article the rapid transit district shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the ordinance; and (c) if the rapid transit district shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such case the operative date shall be the first day of the first calendar quarter following the execution of the contract.

37023. For the purposes of a transaction tax imposed by an ordinance adopted pursuant to this article, all retail transactions are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such transactions shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail transactions are consummated for the purpose of a transactions tax imposed by an ordinance adopted pursuant to this article shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

37025. The words "transaction" or "transactions" as used in this article have the same meaning respectively as the words "sale" or "sales," and the word "transactor" as used in this article has the same meaning as "seller," as "sale" or "sales" and "seller" are used in Part 1 (commencing with Section 6001) of this division.

37027. All transactions and use taxes collected by the State Board of Equalization pursuant to contract with the rapid transit district shall be transmitted by the state board to the rapid transit district periodically as promptly as feasible, and the state board shall charge the rapid transit district for services rendered in such amount as will reimburse the state board for the cost to it in rendering such services.

SEC. 18. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 19. The provisions of any bond ordinance incorporating or providing for the application of the proceeds from any tax under this article to pay the principal and interest on bonds, providing for any sinking fund payments and creating or maintaining any reserve fund required therefor, shall be valid and enforceable whether or not such bond ordinance was

enacted and approved by the voters prior to the effective date of this act.

SEC. 20. Section 8 of this act shall become effective only if the amendments to Section 30111 of the Revenue and Taxation Code as proposed by Assembly Bill No. 709 are enacted by the Legislature at its 1968 Regular Session, and in such case Section 7 of this act shall not become effective.

SEC. 21. Section 4.5 of this act shall become operative only if the Legislature fails to make the appropriation described by Section 64 of Chapter 1209 of the Statutes of the 1967 Regular Session of the Legislature, as amended by Section 4 of Chapter 408 of the Statutes of the 1968 Regular Session of the Legislature, on or before September 15, 1968; in which case Section 4.5 of this act shall become operative on the first day of the calendar month following the calendar month in which this act becomes effective, and Section 6052.5 of the Revenue and Taxation Code, as amended by Section 4 of this act, shall be repealed.

CHAPTER 941

An act to amend Sections 20031, 20130, 21252.1, 21252.10, 21252.45, 21252.6 and 21252.8 of, to add Article 1.5 (commencing with Section 21220) to Chapter 9 of Part 3 of Division 5 of Title 2 of, and Sections 20600, 20601, 20602, 20612, 20613, and 21252.2 to, and to repeal Sections 20600, 20601, 20602, 20602.1, 20602.5, 20602.6, 20602.7, 20602.8, 20602.91, 20602.92, 20603, 20603.1, 20603.2, 20603.4, 20603.5, 20604, 20604.5, 20604.7, 20605, 20606, 20607, 20607.5, 20607.51, 20607.6, 20607.8, 20608, 20609.1, 20609.2, 20612, 20655, 21252.2, 21252.3, 21252.4, 21256, 21256.1, 21256.2, and 21256.3 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 20031 of the Government Code is amended to read:

20031. "Accumulated contributions" means accumulated normal contributions plus any accumulated additional contributions standing to the credit of a member's account; provided, however, that "accumulated contributions" as used in any provision of this part specifying a minimum amount of such contributions as a condition of the exercise of any right or entitlement to any benefit shall mean only accumulated normal contributions, and provided, further, that for purposes of refund "accumulated contributions" shall not include any interest on such contributions after June 30 of the fiscal year preceding that in which the refund is accomplished.

SEC. 2. Section 20130 of the Government Code is amended to read:

20130. Upon the basis of any or all of such investigation, valuation, and determination, the board shall adopt such mortality, service and other tables and annual and actuarial interest rates as it deems necessary.

A change in interest rate adopted by the board shall not apply to any election of a member to deposit or redeposit contributions, including interest, filed prior to the date such change was placed into effect.

SEC. 3. Section 20600 of the Government Code is repealed.

SEC. 4. Section 20600 is added to the Government Code, to read:

20600. The normal rate of contribution for a member who on the date upon which this section becomes operative is in state service or on leave of absence from an employment in which he was in state service shall be the rate applicable to him in the rate schedule established by the board in accordance with this chapter as it read on the day preceding such operative date, and in effect on that date.

SEC. 5. Section 20601 of the Government Code is repealed.

SEC. 6. Section 20601 is added to the Government Code, to read:

20601. The normal rate of contribution for a state or local miscellaneous member or a local safety member subject to Section 21252.5 who after the date upon which this section becomes operative enters such membership or enters employment more than one year following termination of previous employment in which he was such a member shall be the rate specified for his age, at his birthday nearest to the date of such entry, in the rate schedule for the benefit formula applicable to such membership as established by the board in accordance with this chapter (commencing with Section 20600) as it read on the day preceding such operative date, and in effect on that date.

SEC. 7. Section 20602 of the Government Code is repealed.

SEC. 8. Section 20602 is added to the Government Code, to read:

20602. The normal rate of contribution for any member whose retirement allowance is determined under Sections 21252.1, 21252.10, 21252.6, and 21252.8, and who after the operative date of this section enters such membership or enters employment more than one year after termination of employment in which he was subject to any of such sections, shall be the rate, specified in the schedule established by the board in accordance with this chapter as it read on the day preceding the operative date of this section, and in effect on that date for that formula and benefit percentage, for the age at his birthday nearest to the date of his earliest service subject to that formula increased by the number of completed years of his absence from service subject to any of such sections.

SEC. 9. Section 20602.1 of the Government Code is repealed.

SEC. 10. Section 20602.5 of the Government Code is repealed.

SEC. 11. Section 20602.6 of the Government Code is repealed.

SEC. 12. Section 20602.7 of the Government Code is repealed.

SEC. 13. Section 20602.8 of the Government Code is repealed.

SEC. 14. Section 20602.91 of the Government Code is repealed.

SEC. 15. Section 20602.92 of the Government Code is repealed.

SEC. 16. Section 20603 of the Government Code is repealed.

SEC. 17. Section 20603.1 of the Government Code is repealed.

SEC. 18. Section 20603.2 of the Government Code is repealed.

SEC. 19. Section 20603.4 of the Government Code is repealed.

SEC. 20. Section 20603.5 of the Government Code is repealed.

SEC. 21. Section 20604 of the Government Code is repealed.

SEC. 22. Section 20604.5 of the Government Code is repealed.

SEC. 23. Section 20604.7 of the Government Code is repealed.

SEC. 24. Section 20605 of the Government Code is repealed.

SEC. 25. Section 20606 of the Government Code is repealed.

SEC. 26. Section 20607 of the Government Code is repealed.

SEC. 27. Section 20607.5 of the Government Code is repealed.

SEC. 28. Section 20607.51 of the Government Code is repealed.

SEC. 29. Section 20607.6 of the Government Code is repealed.

SEC. 30. Section 20607.8 of the Government Code is repealed.

SEC. 31. Section 20608 of the Government Code is repealed.

SEC. 32. Section 20609.1 of the Government Code is repealed.

SEC. 33. Section 20609.2 of the Government Code is repealed.

SEC. 34. Section 20612 of the Government Code is repealed.

SEC. 35. Section 20612 is added to the Government Code, to read:

20612. The normal rate of contribution otherwise established under this article for a member whose retirement allowance is determined under Section 21252.1 and reduced under Section 21252.45 because his service is included in the federal

system, shall be reduced by one-third as applied to compensation not exceeding four hundred dollars ($400) for services rendered in any month after the date of execution of the modification of the federal-state agreement, including such services in the federal system, or the effective date of the contract or contract amendment pursuant to which a contracting agency and its employees become subject to this section, whichever is later.

SEC. 36. Section 20655 of the Government Code is repealed.

SEC. 36.5. Section 20613 is added to the Government Code, to read:

20613. The Legislature reserves the right to increase or otherwise adjust the rates of contribution prescribed in this article in such amounts and in such manner as it may from time to time find appropriate.

SEC. 37. Article 1.5 (commencing with Section 21220) is added to Chapter 9 of Part 3 of Division 5 of Title 2 of the Government Code, to read:

Article 1.5. Cost-of-Living Adjustment

21220. It is the purpose of the Legislature in enacting this article to provide for the preservation of the purchasing power of benefits under the Public Employees' Retirement Law through a system of adjustments in benefits based on changes in living costs.

21221. The following definitions shall govern the application of this article:

(a) "Monthly allowance" means any allowance payable monthly to a retired person, a survivor or beneficiary of a member or a retired person, other than a monthly installment of a basic death benefit, the commuted value of an unpaid temporary annuity, or an optional settlement No. 1, or allowances payable under Article 6 of this chapter. There shall be excluded from any such monthly allowance, for purposes of any adjustment under this article, any portion of such allowance derived from accumulated additional contributions of a member.

(b) "Base allowance" means the amount of monthly allowance which would be payable to the recipient at the time of an annual adjustment under this article had this article not been enacted.

(c) "California Consumer Price Index" means an index stated as the average of the separate annual Consumer Price Indexes for the Los Angeles-Long Beach area and the San Francisco-Oakland area published by the Bureau of Labor Statistics of the United States Department of Labor. Should the reference base of said Consumer Price Indexes (presently 1957–59 = 100) be changed, each of said indexes used to determine the Consumer Price Index as defined in this section will be the indexes converted to the new base by standard statistical methods.

(d) "Base year" means:

(1) The calendar year 1967 for all members whose retirement occurred prior to January 1, 1966, and for the beneficiaries and survivors of such retired members.

(2) The second calendar year following the calendar year of retirement for all members whose retirement occurs after December 31, 1965, and for the beneficiaries and survivors of such members.

(3) The calendar year 1967 for survivors of members whose death occurred before January 1, 1966.

(4) The second calendar year following the calendar year in which a member's death occurs for survivors of members whose death occurred before retirement and on or after January 1, 1966.

21222. Monthly allowances shall be adjusted annually for time commencing on April 1 and effective with the monthly allowance regularly payable on the first day of May beginning with May 1, 1969. The adjusted monthly allowance shall be equal to the base allowance multiplied by an adjustment factor which is equal to the ratio obtained by dividing the California Consumer Price Index for the immediately preceding year by the California Consumer Price Index for the recipient's base year. Such adjustments shall be subject to the conditions and limits provided in this article.

21224. The adjustments provided by this article are subject to the following limitations:

(a) No adjustment shall be made for any year for which the adjustment is less than one percent of the base allowance, and the adjustment for any year shall not exceed 6 percent of the base allowance.

(b) No monthly allowance in any year may exceed an amount equal to the base allowance increased by 1 5 percent per year compounded for the number of years intervening between the end of the base year and the beginning of the calendar year in which the adjustment is made.

(c) No monthly allowance in any year shall be less than the base allowance.

(d) No adjustment shall be made in any year in which the actuarial interest rate is less than 4.5 percent.

21225. An adjustment in a monthly allowance under this article shall be derived from or credited to contributions of the employer, and if such monthly allowance is a retirement allowance the adjustment shall be applied as an increase or decrease, as the case may be, in the current service pension.

21226. Sections 21251.4, 21251.5 and 21251.6 of this part shall not apply to any contracting agency or its employees, which agency has not approved an amendment to its contract prior to February 1, 1969, electing to be subject thereto

SEC. 38. Section 21252.1 of the Government Code is amended to read:

21252.1. The combined prior and current service pensions for patrol members and local safety members, other than local

safety members to whom Section 21252.10, 21252.5, 21252.6 or 21252.8 applies, upon retirement at or after age 55 is a pension derived from contributions of the employer which, when added to that portion of the service retirement annuity that is derived from the accumulated normal contributions of the member, shall equal a percentage of his final compensation, multiplied by the number of years of patrol, fire, police, or county peace officer service, such percentage to be 2½ or, if less, the percentage obtained by division of 50 percent by the difference between age 55 and the member's age at his birthday nearest to the date of his first entry into such service increased by the number of years of any intervening absence from such service. Any member entering such service at or after age 55 shall be deemed, for purposes of this section, to have entered such service at age 54.

The amendment to this section at the 1968 Regular Session shall apply only to such members retiring on and after the effective date of the amendment. Current and prior service pensions of such members retired prior to the effective date shall be continued in accordance with the provisions of this part (commencing with Section 20000) as they existed on the day preceding the effective date.

SEC. 39. Section 21252.10 of the Government Code is amended to read:

21252.10. The combined prior and current service pensions for law enforcement members and those local safety members subject to provisions applicable to law enforcement members, upon retirement at or after age 55 is a pension derived from the contributions of the employer which, when added to that portion of the service retirement annuity that is derived from the accumulated normal contributions of the member, shall equal a percentage of his final compensation, multiplied by the number of years of law enforcement, fire, police or county peace officer service, as the case may be, such percentage to be 2½ or, if less, the percentage obtained by division of 50 percent by the difference between age 55 and the member's age at his birthday nearest to the date of his first entry into such service, increased by the number of years of intervening absence from such service. Any member entering such service at or after age 55 shall be deemed, for purposes of this section, to have entered such service at age 54.

The amendment to this section at the 1968 Regular Session shall apply only to such members retiring on and after the effective date of the amendment. Current and prior service pensions of such members retired prior to the effective date shall be continued in accordance with the provisions of this part (commencing with Section 20000) as they existed on the day preceding the effective date.

The percentage shall be reduced by one-third, as applied to that part of the member's final compensation which does not exceed four hundred dollars ($400) per month for service after the effective date of coverage of a member under the

federal system; provided, however, that the retirement allowance of any member who was a law enforcement member on October 1, 1965, and who is subject to such reduced percentage, shall not be less than the actuarial equivalent of the retirement allowance he would have received under this section prior to its amendment at the 1965 Regular Session of the Legislature.

SEC. 40. Section 21252.2 of the Government Code is repealed.

SEC. 41. Section 21252.2 is added to the Government Code, to read:

21252.2. The combined current and prior service pension for a warden member or a forestry member other than such warden or forestry member who is subject to the provisions of this part applicable to state miscellaneous members as provided in Section 20014.6 of this code, upon retirement at or after age 60, is a pension derived from contributions of the employer which, when added to that portion of the service retirement annuity which is derived from the accumulated normal contributions of the member, shall equal a percentage of final compensation multipled by the number of years of warden or forestry service, such percentage to be 2½ or, if less, the percentage obtained by division of 50 percent by the difference between age 60 and the member's age at his birthday nearest to the date of his first entry into such service. Any member entering service at or after age 60 shall be deemed, for purposes of this section, to have entered such service at age 59.

This section shall apply only to such members retiring on and after its effective date. Current and prior service pensions of such members retired prior to its effective date shall be continued in accordance with the provisions of this part as they existed on the day preceding such effective date.

SEC. 42. Section 21252.3 of the Government Code is repealed.

SEC. 43. Section 21252.4 of the Government Code is repealed.

SEC. 44. Section 21252.45 of the Government Code is amended to read:

21252.45. The percentage of final compensation, for purposes of calculating the combined prior and current service pensions under Section 21252.1 for a local safety member retiring after the effective date of his coverage under the federal system shall be reduced by one-third as applied to that part of the member's final compensation which does not exceed four hundred dollars ($400) per month.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, or in the case of contracts made after the date this section takes effect, by express provision

in such contract making the contracting agency subject to the provisions of this section.

This section and Section 21252.1 shall supersede Section 21252.5 with respect to all service to a contracting agency electing to be subject hereto; provided, however, that members in employment of such contracting agency on the effective date of the contract amendment subjecting the agency and its employees to this Section 21252.45 may elect, in accordance with board rules, to continue subject to Section 21252.5, and the contracting agency shall be subject to Section 21252.5 rather than this section with respect to members who so elect.

SEC. 45. 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 nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section and of 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. 46. 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 police officers or deputy sheriffs, 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 nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section and of 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. 47. Section 21256 of the Government Code is repealed.

SEC. 48. Section 21256.1 of the Government Code is repealed.

SEC. 49. Section 21256.2 of the Government Code is repealed.

SEC. 50. Section 21256.3 of the Government Code is repealed.

SEC. 51. This act shall become operative on the first day of the month following the month in which it becomes effective.

CHAPTER 942

An act to add Chapter 12.5 (commencing with Section 7800) to Division 3 of the Business and Professions Code, relating to the registration and regulation of geologists, creating the State Board of Registration for Geologists, prescribing its organization, powers and duties, 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. This chapter is enacted in order to introduce qualifying criteria in a presently unregulated professional field. Such action recommends itself through benefits to the safety, health, and property of the people of California and to the promotion of the public welfare. These benefits are in the fields of geology as related to engineering, ground water, mineral exploration and development, geologic hazards, the further development of the science of geology, and other geologic matters of concern to the people of the state.

SEC. 3. Chapter 12.5 (commencing with Section 7800) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 12.5. GEOLOGIST

Article 1. General Provisions

7800. This chapter of the Business and Professions Code constitutes the chapter on geologists. It may be cited as the Geologist Act.

7801. "Board," as used in this chapter, means the State Board of Registration for Geologists.

7802. "Geology," as used in this chapter, refers to that science which treats of the earth in general; investigation of the earth's crust and the rocks and other materials which compose it; and the applied science of utilizing knowledge of the earth and its constituent rocks, minerals, liquids, gases and other materials for the benefit of mankind.

7803. "Geologist," as used in this chapter, refers to a person engaged in the practice of geology.

7804. Only a person registered under the provisions of this chapter shall be entitled to take and use the title "registered geologist." Only a person registered and certified under the provisions of this chapter shall be entitled to take and use the title of a registered certified specialty geologist.

7805. The term "responsible charge of work" means the independent control and direction by the use of initiative, skill and independent judgment of geological work or the supervision of such work.

7806. A subordinate is any person who assists a registered geologist in the practice of geology without assuming the responsible charge of work.

7807. A qualified geologist is a person who possesses all the qualifications specified in Section 7841 for registration except that he is not registered.

Article 2. Administration

7810 The State Board of Registration for Geologists is within the department and is subject to the jurisdiction of the department. The board shall consist of seven members appointed by the Governor, one of whom shall be a public member and six of whom shall be geologists.

7811. Each member of the board shall be a citizen of the United States, shall be at least 30 years of age, and shall have been a resident of this state for at least five years immediately preceding his appointment. Each of the first appointed geologist members of the board shall have at least 12 years' active experience and shall be a qualified geologist; each subsequent geologist member of the board shall be a geologist registered under this chapter. The initial board shall include not less than two engineering geologists and two petroleum geologists.

7812. For administrative purposes, and for the purposes of appointment to the board, the state is divided into administrative districts constituted by combining counties and designated by numbers, as follows:

(a) Administrative District No. 1, comprising the following counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Mendocino, Tehama, Plumas, Glenn, Butte, Sierra, Lake, Colusa, Sutter, Yuba, Nevada, Yolo, Sacramento, Placer, El Dorado, San Joaquin, Amador, Calaveras and Alpine.

(b) Administrative District No. 2, comprising the following counties: Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara, Santa Cruz, San Mateo and San Francisco.

(c) Administrative District No. 3, comprising the following counties: Stanislaus, Tuolumne, Mono, Merced, Mariposa, Madera, Fresno, Inyo, Kings, Tulare and Kern.

(d) Administrative District No. 4, comprising the following counties: San Benito, Monterey, San Luis Obispo, Santa Barbara and Ventura.

(e) Administrative District No. 5, comprising the following counties: Los Angeles, Orange, San Diego, San Bernardino, Riverside and Imperial.

7813. The six geologist members of the board shall be appointed by administrative districts as follows:

(a) One member from each of Administrative Districts 1, 2, 3 and 4.

(b) Two members from Administrative District 5.

As each geologist member's term expires, his place shall be filled by the appointment of a registered geologist whose principal office for the practice of geology is in the same administrative district as the person in the expiring term.

The public members of the board may reside anywhere in the state.

7814. The terms of the members of the board first appointed shall expire as follows: three members, January 1, 1970; three members, January 1, 1971; and three members, January 1, 1972. Thereafter appointments shall be for a four-year 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. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

No person shall serve as a member of the board for more than two consecutive terms.

7815. Each member of the board shall receive a per diem and expenses as provided in Section 103.

7816. The board shall meet annually and at such other times as it may determine.

7817. Five members of the board shall constitute a quorum for the transaction of business.

7818. The board, pursuant to the provisions contained in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, may adopt,

amend or repeal rules and regulations to carry out the provisions of this chapter.

7819. Except as otherwise provided by law, all records of the board shall be open to inspection by the public during regular office hours.

7820. The board shall have and use a seal bearing the name "State Board of Registration for Geologists."

7821. The board shall prepare annually a list of the names and addresses of every person who is registered by it and a list of every person whose registration has been suspended or revoked within the previous year. Such lists shall be mailed to the county clerks of each county and shall be held by him as a public record.

7822. The board may, by regulation, provide for the division of the certification of registration into different specialties, including, but not limited to, petroleum, mining, and ground water, and may issue certificates in one or more of the specialties in which the applicant demonstrated proficiency. The board shall provide such a certificate for those qualified in engineering geology.

7823. The board shall have the authority to appoint committees as required or as deemed advisable to perform such duties as the board may direct. Such committees shall be composed of registered geologists, except that until the first anniversary of the effective date of this chapter qualified geologists may serve.

Membership on all such committees is at the pleasure of the board.

No member of any such committee shall receive any other compensation than his necessary expenses, as approved by the board, connected with the performance of his duties as a member of any such committee.

7824. The board shall establish such professional affairs committees, as needed, to represent each of the specialties into which the board determines certification of registration may be divided. Each such committee shall establish qualifications, which shall include a written examination, for certification in its specialty, and shall establish a definition of that specialty, subject to approval of the board; and shall advise the board on professional affairs in which the committee is concerned. Membership of each such committee shall be made up exclusively of geologists certified or qualified in the particular specialty involved. Definition of specialties shall be substantially the same as are on the effective date of this chapter in use in local ordinances throughout the state, subject to the approval of the board. Qualifications for certification in a specialty shall be substantially the same as, but no less than, those in existence under local ordinances throughout the state.

7825. The board shall establish relations with bodies which regulate the practice of geology, or closely related geologic disciplines, or which register geologists in the other states, and may establish relations with such bodies in other countries, for

the purposes of working toward (1) uniformly high professional standards and (2) mutual recognition of registration.

Article 3. Scope of Regulation

7830. After December 31, 1969, it is unlawful for anyone other than a geologist registered under this chapter to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a registered geologist or registered certified specialty geologist, or to use in any manner the title "registered geologist" or the title of any registered certified specialty geologist unless registered, or registered and certified, hereunder.

7831. It is unlawful for anyone to stamp or seal any plans, specifications, plats, reports, or other documents with the seal after the certificate of the registrant, named thereon, has expired or has been suspended or revoked, unless the certificate has been renewed or reissued.

7832. Any person, except as in this chapter specifically exempted, who shall practice or offer to practice geology for others in this state is subject to the provisions of this chapter.

7833. This chapter does not prohibit one or more geologists from practicing through the medium of a sole proprietorship, partnership, or corporation. In a partnership or corporation whose primary activity consists of geological services, at least one partner or officer shall be a registered geologist.

7834. This chapter does not prevent or prohibit an individual, firm, company, association or corporation whose principal business is other than the practice of geology from employing a geologist to perform professional services in geology incidental to the conduct of their business.

7835. All geologic plans, specifications, reports or documents shall be prepared by a registered geologist, or registered certified specialty geologist, or by a subordinate employee under his direction. In addition, they shall be signed by him or stamped with his seal, either of which shall indicate his responsibility for them.

7836. Officers and employees of the United States of America practicing solely as such officers or employees are exempt from registration under the provisions of this chapter.

7837. A subordinate to a geologist registered under this chapter, insofar as he acts solely in such capacity, is exempt from registration under the provisions of this chapter. This exemption, however, does not permit any such subordinate to practice geology for others in his own right or to use the title "registered geologist."

7838. A civil engineer empowered to practice civil engineering in this state, and a petroleum engineer registered in this state, under provisions of Chapter 7 (commencing with Section 6700) of Division 3 of this code insofar as they practice civil engineering in its various branches or petroleum engineering, respectively, are exempt from registration under the provisions of this chapter.

7839. This chapter shall not empower a geologist registered under this chapter to practice or offer to practice civil engineering and any of its various recognized branches.

Article 4. Registration

7840. An application for registration as a geologist shall be made to the board on a form prescribed by it and shall be accompanied by the application fee fixed by this chapter.

7841. An applicant for registration as a geologist shall have all the following qualifications:

(a) Be of good moral character.

(b) Meet one of the following educational requirements fulfilled at a school or university whose geological curricula meet criteria established by rules of the board:

(1) Graduation with a major in geology.

(2) Completion of 30 semester units in geological science courses leading to a major in geology, of which at least 24 units are in the third or fourth year, or graduate courses.

(c) Have at least seven years of professional geological work which shall include either a minimum of three years of professional geological work under the supervision of a registered geologist or a registered civil or petroleum engineer, except that prior to January 1, 1970, professional geological work shall qualify under this subdivision if it is under the supervision of a qualified geologist or a registered civil or petroleum engineer, or a minimum of five years' experience in responsible charge of geological work.

Each year of undergraduate study in the geological sciences shall count as one-half year of training up to a maximum of two years, and each year of graduate study or research counts as a year of training.

Teaching in the geological sciences at college level shall be credited year for year toward meeting the requirement in this category, provided that the total teaching experience includes six semester units of third or fourth year or graduate courses.

Credit for undergraduate study, graduate study, and teaching, individually, or in any combination thereof, shall in no case exceed a total of four years towards meeting the requirement for at least seven years of professional geological work as set forth above.

The ability of the applicant shall have been demonstrated by his having performed the work in a responsible position, as the term "responsible position" is defined in regulations adopted by the board. The adequacy of the required supervision and experience shall be determined by the board in accordance with standards set forth in regulations adopted by it.

(d) Successfully pass a written examination.

7842. An applicant for certification in a specialty shall meet all of the requirements of Section 7841 and, in addition, his

seven years of professional geological work shall include one of the following:

(a) A minimum of three years performed under the supervision of a geologist registered in the specialty for which he is seeking certification or under the supervision of a registered civil engineer if the applicant is seeking registration as an engineering geologist or under the supervision of a registered petroleum engineer if the applicant is seeking registration as a petroleum geologist, except that prior to January 1, 1970, professional geological work shall qualify under this subdivision if it is performed under the supervision of a geologist qualified in the specialty for which the applicant is seeking certification or under the supervision of a registered civil engineer if the applicant is seeking registration as an engineering geologist or under the supervision of a registered petroleum engineer if the applicant is seeking registration as a petroleum geologist.

(b) A minimum of five years' experience in responsible charge of geological work in the specialty for which the applicant is seeking certification.

7843. The board shall waive the examination requirement for registration as a geologist or for registration as a geologist and certification in a specialty for one who complies with the following:

(a) Who makes written application to the board under this section not later than one year following the effective date of this chapter.

(b) Who complies with the provisions of subdivisions (a), (b), and (c) of Section 7841.

7844. Examination for registration shall be held at the times and places within the state as the board shall determine. The scope of examinations and the methods of procedure may be prescribed by rule of the board.

7845. Examinations shall test the applicant's knowledge basic to geology and his ability to apply that knowledge and to assume responsible charge in the professional practice of geology or a certified specialty geology, or both geology and a certified specialty geology.

7846. An applicant failing in an examination may be examined again upon filing a new application and the payment of the application fee fixed by this chapter.

7847. The board, upon application therefor, on its prescribed form, and upon the payment of the application and registration fees fixed by this chapter, which fees shall be retained by the board, may issue a certificate of registration as a geologist, without written examination, to any person holding a certificate of registration issued to him by any state or country when the applicant's qualifications meet the other requirements of this chapter and the rules established by the board.

7847.5. The board, upon application therefor on its prescribed form, and upon the payment of the application and registration fees fixed by this chapter, which fees shall be retained by the board, may issue a certificate of registration as

a geologist, without written examination, to any person who meets the requirements of subdivisions (a) and (b) of Section 7841 and who has at least 14 years of professional geological work, which shall include either a minimum of three years of professional geological work under the supervision of a registered or qualified geologist or a registered civil or petroleum engineer, or a minimum of five years' experience in responsible charge of geological work.

The ability of the applicant shall have been demonstrated by his having performed the work in a responsible position, as the term "responsible position" is defined in regulations adopted by the board. The adequacy of the required supervision and experience shall be determined by the board in accordance with standards set forth in regulations adopted by it.

7848. A temporary authorization for the practice of geology or a certified specialty geology, or both geology and a certified specialty geology, may be granted, for a specific project, upon application and payment of the fee prescribed in Section 7887 for a period not to exceed 60 consecutive days in any calendar year; provided:

(a) He maintains no office for the practice of geology or a certified specialty geology, or both geology and a certified specialty geology, other than for the authorized project, in this state.

(b) He is qualified to practice geology or a certified specialty geology, or both geology and a certified specialty geology for others, and is not legally prohibited from so doing, in the state or country where he maintains an office for such practice.

(c) The applicant demonstrates by means of an individual appearance before the board, or before a committee appointed by the board for such purpose, satisfactory evidence of adequate knowledge in that phase of geology for which the applicant proposes to practice under the temporary authorization.

(d) If the applicant can satisfy the board that the completion of the specific project for which the authorization is granted will require more than 60 consecutive calendar days, the board may extend the authorization to a period not to exceed a total of 120 days.

Upon completion of these requirements as necessary, the secretary on direction of the board shall issue a temporary authorization to the applicant.

7849. In determining the qualifications of an applicant for registration or authorization, a majority vote of the board is required.

7850. Any applicant who has passed the examination and has otherwise qualified hereunder as a geologist, upon payment of the registration fee fixed by this chapter shall have a certificate of registration issued to him as a geologist.

A certificate of registration for a geologist shall be signed by the president and secretary and issued under the seal of the board.

7851. If an applicant for registration as a geologist is found by the board to lack the qualifications required for admission to the examination for such registration, the board shall, notwithstanding the provisions of Section 158 of this code, refund to him one-half of the amount of his application fee.

7852. Each geologist registered under this chapter may, upon registration, obtain a seal of the design authorized by the board bearing the registrant's name, number of his certificate, and the legend "registered geologist."

7853. A duplicate certificate of registration to replace one lost, destroyed, or mutilated may be issued subject to the rules and regulations of the board. The duplicate certificate fee fixed by this chapter shall be charged.

7854. An unsuspended, unrevoked and unexpired certificate and endorsement of registry made under this chapter is presumptive evidence in all courts and places that the person named therein is legally registered.

7855. Any applicant who is denied registration or authorization shall, in writing, be so notified and informed of the reason therefor. Within 30 days after receipt of notice, such applicant may make written request to the board for a hearing which, if granted, shall be conducted as specified in Section 7861.

Article 5. Disciplinary Proceedings

7860. The board may receive and investigate complaints against registered geologists, and persons granted temporary authorizations pursuant to Section 7848, and make findings thereon.

By a majority vote, the board may reprove, privately or publicly, or may suspend for a period not to exceed two years, or may revoke the certificate of any geologist registered hereunder, or may reprove, privately or publicly, or revoke the authorization granted to any person pursuant to Section 7848:

(a) Who has been convicted of a felony, arising from or in connection with the practice of geology, or of a crime involving moral turpitude.

(b) Who has not a good character.

(c) Who has committed any deceit, misrepresentation, violation of contract, fraud or incompetency in his practice.

(d) Who has committed any fraud or deceit in obtaining his certificate.

(e) Who aids or abets any person in the violation of any provisions of this chapter.

(f) Who violates any provision of this chapter.

7861. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

7862. The board may reissue a certificate of registration, certification, or authority, to any person whose certificate has

been revoked if a majority of the members of the board vote in favor of such reissuance for reasons the board deems sufficient.

7863. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or a crime involving moral turpitude is deemed to be a conviction within the meaning of this article. The board may order the certificate or authorization suspended or revoked, or may decline to issue a certificate or authorization, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

Article 6. Offenses Against the Chapter

7870. The board shall have the power, duty and authority to investigate violations of the provisions of this chapter.

7871. It shall be the duty of the respective officers charged with the enforcement of laws and ordinances to prosecute all persons charged with the violation of any of the provisions of this chapter.

It shall be the duty of the secretary of the board, under the direction of the board, to aid such officers in the enforcement of this chapter.

7872. 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 geology for others 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 geologist, or any other title whereby such person could be considered as practicing or offering to practice geology for others, unless he is qualified by registration as a geologist under this chapter.

(g) Who manages, or conducts as manager, proprietor, or agent, any place of business from which geologic work is

solicited, performed or practiced for others, unless such work is supervised or performed by a registered geologist.

(h) Who violates any provision of this chapter.

7873. Whenever any person has engaged in or is about to engage in any act or practice which constitutes or which, in the opinion of the board, will constitute an offense against this chapter, the superior court of the county in which the offense has occurred or is about to occur, on application of the board, may issue an injunction or other appropriate order restraining such act or practice.

The proceedings authorized by this section shall be in accordance with the provisions contained in Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that no undertaking or bond shall be required.

Article 7. Revenue

7880. A certificate of registration as a geologist expires at 12 p.m. on June 30 of each even-numbered year, if not renewed. To renew an unexpired certificate, the certificate holder shall, on or before June 30, of each even-numbered year, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

7881. Except as otherwise provided in this article, certificates of registration as a geologist may be renewed at any time within five years after expiration on filing an application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is renewed more than 30 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the date provided in Section 7880 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

7882. A suspended certificate is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the certificate, while it remains suspended and until it is reinstated, to engage in the activity to which the certificate relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

7883. A revoked certificate is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the holder of the certificate, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular date before the date on which it is rein-

stated, plus the delinquency fee, if any, accrued at the time of its revocation.

7884. Certificates of registration as a geologist which are not renewed within five years after expiration may not be renewed, restored, reinstated, or reissued thereafter. The holder of such certificate may apply for and obtain a new certificate, however, if:

(a) He is of good moral character.

(b) No fact, circumstance, or condition exists which, if the certificate were issued, would justify its revocation or suspension.

(c) He takes and passes the examination, if any, which would be required of him if he were then applying for the certificate for the first time.

The board may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a certificate is issued without an examination pursuant to the provisions of this section.

7885. The board shall report each month to the State Controller the amount and source of all revenue received by it pursuant to this chapter and at the same time pay the entire amount thereof into the State Treasury for credit to the Geology Fund, which fund is hereby created.

7886. The money paid into the Geology Fund is continuously appropriated to the board to carry out the provisions of this chapter.

7887. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for registration as a geologist at not less than twenty-five dollars ($25) and not more than forty dollars ($40).

(b) The registration fee for geologist shall be fixed at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, with respect to certificates which will expire less than one year after issuance, the fee shall be fixed at an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The duplicate certificate fee at not less than one dollar ($1) and not more than three dollars ($3).

(d) The temporary registration fee for geologist at not less than ten dollars ($10) and not more than forty dollars ($40).

(e) The renewal fee for a geologist shall be fixed by the board at not more than eighty dollars ($80) and not less than thirty dollars ($30).

(f) The delinquency fee for a certificate is an amount equal to the renewal fee in effect on the date of its expiration.

SEC. 4. If any of the provisions of this chapter, or if any rule, regulation or order thereunder, or the application of such provision to any person or circumstance shall be held invalid, the remainder of this chapter and the application of such provision of this chapter or such rule, regulation or order to persons or circumstances, other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this act are severable.

CHAPTER 943

An act to amend Section 8 of Chapter 1222 of the Statutes of 1965, and to add Section 36057.5 to the Health and Safety Code, relating to housing.

[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 8 of Chapter 1222 of 1965 is amended to read:

Sec. 8. The provisions of this act shall be operative only until the 61st day after final adjournment of the 1972 Regular Session of the Legislature unless such expiration date is extended by the Legislature. If there is no such extension and this act ceases to be operative, then the agencies and functions which are transferred by this act to the Department of Housing and Community Development shall be retransferred to the agencies from which they were removed and all employees involved shall have the same civil service rights of transfer and return to their original agencies as are provided under the terms of this act.

SEC. 2. Section 36057.5 is added to the Health and Safety Code, to read:

36057.5. The Department of Housing and Community Development may furnish counseling and guidance services to aid any public body or any private or nonprofit organization or persons in securing the financial aid or cooperation of the federal government in the undertaking, construction, maintenance, operation, or financing of any housing designed for farm laborers and their families, persons displaced by action of any state or local public agency, and workers engaged in cutting, processing, milling, handling, or shipping lumber or lumber products, and the families of such workers.

The Department of Housing and Community Development may contract for or sponsor, subject to the availability of federal funds, experimental or demonstration projects for permanently fixed or mobile housing designed to meet the special needs of agricultural workers and persons displaced by action of any state or local public agency. Such contracts or sponsorship agreements may be between the department and cities, counties, housing authorities, redevelopment agencies, or nonprofit organizations.

CHAPTER 944

An act to add Sections 35711, 35739, and 35745 to the Health and Safety Code, relating to discrimination in housing.

[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 35711 is added to the Health and Safety Code, to read:

35711. The term "affirmative actions" means any educational activity for the purpose of eliminating discrimination in housing accommodations because of race, color, religion, national origin, or ancestry and any promotional activity designed to achieve such a result on a voluntary basis.

SEC. 2. Section 35739 is added to the Health and Safety Code, to read:

35739. The commission may engage in affirmative actions with owners in furtherance of the purpose of this part as expressed in Section 35700.

SEC. 3. Section 35745 is added to the Health and Safety Code, to read:

35745. The provisions of this part shall not be construed to promote housing accommodations on a preferential or quota basis.

CHAPTER 945

An act to add Sections 39052.1 and 39083.5 to the Health and Safety Code, relating to air pollution, making an appropriation therefor and 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 39083.5 is added to the Health and Safety Code, to read:

39083.5. (a) The board shall establish a statewide one-year exhaust control device testing program so as (1) to improve the state of the art of exhaust emission controls, (2) to ascertain technological feasibility to meet specific standards, (3) to establish that low emission devices are feasible from the standpoint of economy, and (4) to compile information and data on the basis of experience on the use of various types of exhaust emission control devices on motor vehicles. As part of such program, the board shall require the supplier or his agent to install the exhaust control devices of one or more types, and the board

shall, when the supplier or suppliers or their agents are personally present, test, inspect and service the exhaust control devices on not more than 75 new motor vehicles purchased by the state, and operated by the Department of the California Highway Patrol, Department of General Services, and Division of Highways. Not more than 10 motor vehicles operated by the Department of the California Highway Patrol shall be used to test, inspect and service exhaust control devices pursuant to this section.

In case of an emergency, the board may perform the necessary emergency repair work on the devices without the presence of the supplier or his agent, but the board shall forthwith notify the supplier or his agent, orally and in writing, of the nature and extent of the emergency repairs. The board shall permit the supplier or his agent, at the earliest opportunity, to repair or replace the devices without any charge to the state for such repair or replacement, if the supplier or his agent elects to do so.

(b) The board shall adopt standards for exhaust emissions for such motor vehicles and engines, and shall select exhaust control devices which comply with such standards and which are technologically feasible. Exhaust emissions from such motor vehicles and engines shall be at substantially the following levels or as near thereto as it is technologically feasible to attain:

(1) Hydrocarbons—1 gram per vehicle-mile;

(2) Carbon monoxide—15 grams per vehicle-mile;

(3) Oxides of nitrogen—1.5 grams per vehicle-mile.

(c) The test procedure for determining automotive exhaust emissions of hydrocarbons, carbon monoxide and nitrogen oxides pursuant to this section shall be, as follows:

(1) Each vehicle to be tested shall be assessed for weight by adding 400 pounds to the published shipping weight, or, if this is unknown, by adding 300 pounds to actual operational weight unladen. Dynamometers shall be used in such testing, and the dynamometers shall be provided with inertia wheels equivalent to 1,500 pounds and up in 500-pound increments. A vehicle to be tested must then be tested with the dynamometer inertia weight closest to its own above-specified test weight according to the following seven-mode cycle:

Seven-Mode Cycle Table

Sequence No.	Mode m.p.h.	Acceleration m.p.h. in secs.	Elapsed time seconds	Cumulative time seconds
(1)	Idle	--	20	20
(2)	0 to 30	2.2	14	34
(3)	30	--	15	49
(4)	30 to 15	—1.4	11	60
(5)	15	--	15	75
(6)	15 to 50	1.2	29	104
(7)	50 to 0	—1.5	33	137

(2) Dynamometer testing of the motor vehicle shall begin with a cold start following at least eight hours of inoperative cooling of the motor vehicle. The initial 20 seconds shall not be sampled. The above seven-mode cycle shall be performed in sequence seven times, followed by one contiguous acceleration at wide open throttle from zero to 60 m.p.h. for however many seconds elapsed time are required to perform such acceleration, followed by a power-off deceleration, in gear, which shall end the test either when the car achieves idle r.p.m. or at the end of 30 seconds, whichever shall first occur.

(3) A plastic bag of sufficient capacity to contain the entire sample shall be flushed with air and evacuated. The entire exhaust gas volume shall be reduced to ambient temperature, and water thereby precipitated shall be drained out of the system. The remaining dry exhaust gas shall then be gathered into the plastic bag and mixed for at least five minutes by end-to-end circulation employing a blower of 35 cubic feet per minute minimum capacity. Samples shall be drawn to determine hydrocarbons and oxides of nitrogen in parts per million and carbon dioxide and carbon monoxide in percentage. Hydrocarbon readings obtained by NDIR shall be multiplied by 1.8. The following calculation is necessary to ascertain air dilution:

$$\frac{14.5}{\%\ CO_2 + (0.5)\ \%\ CO + (6.0)\ \%\ HC},$$

where HC, CO, and CO_2 are expressed in percentages $\left\{\frac{\text{ppm}}{10{,}000}\right\}$ and the resulting air dilution factor used as a multiplier to correct HC, CO, and NO_x values.

(4) For the duration of the test, consumption of fuel (normally extracted from a separate tank to insure uniformity) shall be noted and dynamometer mileage measured. These data are sufficient to calculate the following results:

$$.116\,\frac{\text{ppm HC}}{\text{mi/gal}} = \text{grams/mile HC}$$

$$379\,\frac{\%\ CO}{\text{mi/gal}} = \text{grams/mile CO}$$

$$.062\,\frac{\text{ppm } NO_x}{\text{mi/gal}} = \text{grams/mile } NO_2$$

(d) For not more than one year after the date of installation of such exhaust control devices, the board shall, at intervals of 5,000 miles or four months, whichever comes first, test, inspect, and service such exhaust control devices. The Department of General Services, the Department of the California Highway Patrol, and the Division of Highways shall furnish to the board, upon request, the motor vehicles upon which such devices are to be installed and shall cooperate with the board in the testing, inspection and servicing by the board of such devices.

(e) The board shall report to the Legislature within 30 days after the effective date of this section on the number of motor vehicles it has selected for the installation of exhaust control devices pursuant to this section, on the different types of such exhaust control devices it has approved for such installation, and on the cost of such devices. The board shall also report to the Legislature within 18 months after the effective date of this section on the result of the four points of the exhaust control device testing program established pursuant to this section, including all data on all vehicles tested under this program.

(f) The abbreviations used in this section have the following meanings:

(1) HC means hydrocarbons.
(2) CO_2 means carbon dioxide.
(3) CO means carbon monoxide.
(4) Gal. means gallon.
(5) Mi. means mile.
(6) M.p.h. means miles per hour.
(7) NO_x means oxides of nitrogen.
(8) NO_2 means nitrogen dioxide.
(9) P.p.m. means parts per million.
(10) R.p.m. means revolutions per minute.
(11) Sec. means seconds.
(12) NDIR means nondispersive infrared.

SEC. 2. Section 39052.1 is added to the Health and Safety Code, to read:

39052.1. (a) The board shall establish a statewide one-year exhaust control device testing program so as (1) to improve the state of the art of exhaust emission controls, (2) to ascertain technological feasibility to meet specific standards (3) to establish that low-emission devices are feasible from the standpoint of economy, and (4) to compile information and data on the basis of experience on the use of various types of exhaust emission control devices on motor vehicles. As part of such program, the board shall require the supplier or his agent to install the exhaust control devices of one or more types, and the board shall, when the supplier or suppliers or their agents are personally present, test, inspect and service the exhaust control devices on not more than 75 new motor vehicles purchased by the state, and operated by the Department of the California Highway Patrol, Department of General Services, and Division of Highways Not more than 10 motor vehicles operated by the Department of the California Highway Patrol shall be used to test, inspect and service exhaust control devices pursuant to this section.

In cases of an emergency, the board may perform the necessary emergency repair work on the devices without the presence of the supplier or his agent, but the board shall forthwith notify the supplier or his agent, orally and in writing, of the nature and extent of the emergency repairs. The board shall permit the supplier or his agent, at the earliest opportunity,

to repair or replace the devices without any charge to the state for such repair or replacement, if the supplier or his agent elects to do so.

(b) The board shall adopt standards for exhaust emissions for such motor vehicles and engines, and shall select exhaust control devices which comply with such standards and which are technologically feasible. Exhaust emissions from such motor vehicles and engines shall be at substantially the following levels or as near thereto as it is technologically feasible to attain:

(1) Hydrocarbons—1 gram per vehicle-mile;

(2) Carbon monoxide—15 grams per vehicle-mile;

(3) Oxides of nitrogen—1.5 grams per vehicle-mile.

(c) The test procedure for determining automotive exhaust emissions of hydrocarbons, carbon monoxide and nitrogen oxides pursuant to this section shall be, as follows:

(1) Each vehicle to be tested shall be assessed for weight by adding 400 pounds to the published shipping weight, or, if this is unknown, by adding 300 pounds to actual operational weight unladen. Dynamometers shall be used in such testing, and the dynamometers shall be provided with intertia wheels equivalent to 1,500 pounds and up in 500-pound increments. A vehicle to be tested must then be tested with the dynamometer inertia weight closest to its own above-specified test weight according to the following seven-mode cycle:

Seven-Mode Cycle Table

Sequence No.	Mode m.p.h.	Acceleration m.p.h. in secs.	Elapsed time seconds	Cumulative time seconds
(1)	Idle	--	20	20
(2)	0 to 30	2.2	14	34
(3)	30	--	15	49
(4)	30 to 15	—1.4	11	60
(5)	15	--	15	75
(6)	15 to 50	1.2	29	104
(7)	50 to 0	—1.5	33	137

(2) Dynamometer testing of the motor vehicle shall begin with a cold start following at least eight hours of inoperative cooling of the motor vehicle. The initial 20 seconds shall not be sampled. The above seven-mode cycle shall be performed in sequence seven times, followed by one contiguous acceleration at wide-open throttle from 0 to 60 m.p.h. for however many seconds elapsed time are required to perform such acceleration, followed by a power-off deceleration, in gear, which shall end the test either when the car achieves idle r.p.m. or at the end of 30 seconds, whichever shall first occur.

(3) A plastic bag of sufficient capacity to contain the entire sample shall be flushed with air and evacuated. The entire exhaust gas volume shall be reduced to ambient temperature, and water thereby precipitated shall be drained out of the system. The remaining dry exhaust gas shall then be gathered

into the plastic bag and mixed for at least five minutes by end-to-end circulation employing a blower of 35 cubic feet per minute minimum capacity. Samples shall be drawn to determine hydrocarbons and oxides of nitrogen in parts per million and carbon dioxide and carbon monoxide in percentage. Hydrocarbon readings obtained by NDIR shall be multiplied by 1.8. The following calculation is necessary to ascertain air dilution:

$$\frac{14.5}{\%\ CO_2 + (0.5)\ \%\ CO + (6.0)\ \%\ HC},$$

where HC, CO, and CO_2 are expressed in percentages $\left\{\frac{\text{ppm}}{10{,}000}\right\}$ and the resulting air dilution factor used as a multiplier to correct HC, CO, and NO_x values.

(4) For the duration of the test, consumption of fuel (normally extracted from a separate tank to insure uniformity) shall be noted and dynamometer mileage measured. These data are sufficient to calculate the following results:

$$.116\ \frac{\text{ppm HC}}{\text{mi/gal}} = \text{grams/mile HC}$$

$$379\ \frac{\%\ \text{CO}}{\text{mi/gal}} = \text{grams/mile CO}$$

$$.062\ \frac{\text{ppm } NO_x}{\text{mi/gal}} = \text{grams/mile } NO_2$$

(d) For not more than one year after the date of installation of such exhaust control devices, the board shall, at intervals of 5,000 miles or four months, whichever comes first, test, inspect, and service such exhaust control devices. The Department of General Services, the Department of the California Highway Patrol, and the Division of Highways shall furnish to the board, upon request, the motor vehicles upon which such devices are to be installed and shall cooperate with the board in the testing, inspection and servicing by the board of such devices.

(e) The board shall report to the Legislature within 30 days after the effective date of this section on the number of motor vehicles it has selected for the installation of exhaust control devices pursuant to this section, on the different types of such exhaust control devices it has approved for such installation, and on the cost of such devices. The board shall also report to the Legislature within 18 months after the effective date of this section on the result of the four points of the exhaust control device testing program established pursuant to this section, including all data on all vehicles tested under this program.

(f) The abbreviations used in this section have the following meanings:

(1) HC means hydrocarbons.

(2) CO_2 means carbon dioxide.

(3) CO means carbon monoxide.
(4) Gal. means gallon.
(5) Mi. means mile.
(6) M.p.h. means miles per hour.
(7) NO_x means oxides of nitrogen.
(8) NO_2 means nitrogen dioxide.
(9) P.p.m. means parts per million.
(10) R.p.m. means revolutions per minute.
(11) Sec. means seconds.
(12) NDIR means nondispersive infrared.

SEC. 3. Section 2 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 39083.5 of the Health and Safety Code as added by Section 1 of this act is repealed.

SEC. 4. There is hereby appropriated from the Motor Vehicle Fund to the State Air Resources Board for expenditure during the 1968–69 fiscal year in carrying out the purposes of this act the sum of two hundred thousand dollars ($200,000) in augmentation of Item 127 of the Budget Act of 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:

It is imperative for the health of the public that immediate steps be taken to develop and use effective exhaust control devices so as to control air pollution emissions from motor vehicles. In order that such devices be developed and used, it is essential that certain tests be conducted to produce valuable experience data and to determine the technological feasibility. This act will permit immediate testing of such devices, and thus lead to the effective control of motor vehicle air pollution emissions.

CHAPTER 946

An act to amend Sections 69599 and 73521 of the Government Code, relating to judges.

[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 69599 of the Government Code is amended to read:

69599. In San Mateo County there shall be 12 judges of the superior court.

SEC. 2. Section 73521 of the Government Code is amended to read:

73521. There shall be three judges.

CHAPTER 947

An act to amend Section 11005 of the Education Code, relating to minimum schoolday.

[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 11005 of the Education Code is amended to read:

11005. The minimum schoolday in grades 1, 2, and 3 in elementary schools, except in opportunity schools or classes, is 230 minutes, except where the governing board of a school district has prescribed a shorter length for the schoolday because of lack of school facilities which requires double sessions, in which case the minimum schoolday in such grades shall be 200 minutes.

CHAPTER 948

An act to amend Sections 12259 and 12704 of the Education Code, relating to work experience education.

[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 12259 of the Education Code is amended to read:

12259. The person authorized to issue permits to work may also issue to any minor over the age of 14 years a permit to work outside of school hours for a period of time which when added to the time the minor is required by law to attend school does not exceed eight hours in any one day. The eight-hour limitation shall not apply to a minor who is enrolled in an approved work experience education program. Such a minor may, in any day in which he is required to attend school, work in such program outside of school hours for a period of time not to exceed four hours.

The person issuing any permit to work outside of school hours shall immediately notify, in writing, the principal of the school which the minor is attending, and if at any time the teacher of the minor shows to the satisfaction of the person issuing the permit that the school work or the health of the minor is being impaired by the employment, the authority issuing the permit may revoke it.

SEC. 2. Section 12704 of the Education Code is amended to read:

12704. Except in agricultural and homemaking occupations and approved work experience education programs, no em-

ployer shall employ a minor under 18 years of age for a greater number of hours each day than will, if added to the number of hours that the minor is compelled to attend school, equal eight hours.

CHAPTER 949

An act to add Article 4.5 (commencing with Section 13390) to Chapter 2 of Division 10 of the Education Code, relating to in-service training of educational personnel.

[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. Article 4.5 (commencing with Section 13390) is added to Chapter 2 of Division 10 of the Education Code, to read:

Article 4.5. In-service Training of Educational Personnel

13390. It is the intent of the Legislature to encourage California's institutions of higher education, whether public or private, to enter into cooperative arrangements with local school districts for the provision of training programs designed to improve elementary teachers' instructional skills. The Legislature recognizes that the usual teacher preparation required by law and provided by most teacher-training institutions—while meeting high quality standards—may not provide desirable exposure to the range of new and innovative teaching techniques being developed and tested by and in cooperation with major universities throughout the United States; nor does the usual preparation provide, even with practice teaching, on-the-job experience under the guidance of resource and consulting personnel involved in development of new techniques or of so-called master teachers chosen for their exceptional ability and supplementary research in the field.

The Legislature, therefore, intends, in enacting this article, to facilitate the process whereby institutions of higher education, research centers, or regional educational laboratories may provide resource personnel and special courses under contracts or other cooperative arrangements with local school districts.

13390.5. As used in this article, the term "staff development project," means training programs established to improve elementary teachers' instructional skills pursuant to this article.

13391. Staff development projects shall be made available whenever possible to the following personnel:

(a) New elementary teachers of the district who have not yet completed the fifth year of university or college education requirements for a standard teaching credential with a specialization in elementary teaching;

(b) New teachers of the district, whether from California or out of state, who may already have completed all requirements for a standard teaching credential with a specialization in elementary teaching;

(c) Teachers who may already be teaching in the district, including those who have, as well as those who have not, completed the fifth year requirement for a standard teaching credential with a specialization in elementary teaching;

(d) Elementary school counselors or visiting teachers; and

(e) Elementary school administrators.

13392. The governing board of any school district desiring to establish a staff development project shall submit one or more project proposals to the State Department of Education for review and for final approval by the State Board of Education. No funds appropriated for purposes of this article shall be allocated to a school district for a staff development project until the State Board of Education approves of the project.

13393. A staff development project proposal shall include, but not be limited to, the following components, as well as any other components which the State Board of Education determines meet the needs and purposes of a staff development project:

(a) A statement of the school district's objectives in establishing the project, specifying the school district's particular needs with reference to specialized instructional personnel.

(b) A description of the component parts of the proposed staff development project, including:

(1) Courses to be made available to trainees through arrangements with an institution of higher education, research center, or regional education laboratory; and

(2) Other planned trainee activities.

(c) A statement outlining methods and criteria to be used in selecting trainees for the project.

(d) A statement indicating generally the duration of the program and the number of hours per week each trainee would be involved in designated activities.

(e) A statement describing the manner in which the staff development project is to be evaluated upon termination of a unit of training.

(f) A statement of proposed expenditures and reasonably expected costs, and an outline of proposed federal or state and local fund matching arrangements.

13394. The governing board of any school district may contract with institutions of higher education, including the University of California, the California State Colleges, and private institutions, and with research centers or regional education laboratories, for such institutions, centers, or laboratories to furnish academic and consulting services for purposes of a staff development project. The school district shall be deemed the contracting agency and shall be responsible for coordination and administration of the staff development project.

13395. The school district shall bear 50 percent of the cost of a staff development project coordinator's salary, and shall provide the necessary facilities, equipment, and instructional materials for the project.

13396. Certificated employees participating as trainees in a staff development project shall be remunerated on a basis consistent with usual procedures of the school district.

13397. The Superintendent of Public Instruction shall allow, out of funds appropriated to the Department of Education for the purpose, to each school district an amount sufficient to pay the tuition costs and other fees necessary for trainees to take courses prescribed in the staff development project at the college or university level, and to pay the consultation costs of the project, and to pay 50 percent of the cost of the salary of the staff development project coordinator.

13398. Any institution of higher learning participating in a staff development project pursuant to this article shall grant academic credit for the courses established under terms of the contract arranged when a staff development project has been approved by the State Board of Education. Such academic credit shall be granted on whatever hour or unit basis is the practice at the participating institution.

13399. A staff development project submitted by a school district may be renewed, but it shall include any modifications recommended by the State Board of Education upon review of the school district's evaluation of the staff development project.

13399.5. The Department of Education shall, subject to the approval of the State Board of Education, establish rules and regulations for the administration of this article, including the use of any federal funds that may be available for purposes of this article.

SEC. 2. The State Board of Education shall allocate not more than five hundred thousand dollars ($500,000) from the funds received by the state under the provisions of Public Law 90-35, Part 6, subpart 2, and Part 10 for programs authorized by this article.

CHAPTER 950

An act for the establishment of a branch office of the Department of Motor Vehicles in Newhall-Saugus, 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. The sum of sixty thousand eight hundred ninety-eight dollars ($60,898) is hereby appropriated for the establishment of a branch office in Newhall-Saugus, California, from the Motor Vehicle Fund to the Department of Motor Vehicles.

CHAPTER 951

An act to amend Section 23039 of the Business and Professions Code, relating to alcoholic beverages.

[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 23039 of the Business and Professions Code is amended to read:

23039. (a) "Public premises" means:

(1) Premises licensed with any type of license other than an on-sale beer license, and maintained and operated for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which food shall not be sold or served to the public as in a bona fide public eating place, but upon which premises food products may be sold or served incidentally to the sale or service of alcoholic beverages, in accordance with rules prescribed by the department.

(2) Premises licensed with an on-sale beer license, in which food shall not be sold or served to the public as in a bona fide public eating place, and in which sandwiches, salads, desserts, and similar short orders shall not be sold and served, in accordance with rules prescribed by the department.

(b) "Public premises" does not include railroad dining or club cars, passenger ships, airplanes, or bona fide clubs after such clubs have been lawfully operated for not less than one year; nor does it include premises being operated under a temporary on-sale beer license other than permitted pursuant to Section 24045.5, or on-sale beer licensed stadia, auditoria, fairgrounds, or racetracks.

SEC. 2. Section 23039 of the Business and Professions Code is amended to read:

23039. (a) "Public premises" means:

(1) Premises licensed with any type of license other than an on-sale beer license, and maintained and operated for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which food shall not be sold or served to the public as in a bona fide public eating place, but upon which premises food products may be sold or served incidentally to the sale or service of alcoholic beverages, in accordance with rules prescribed by the department.

(2) Premises licensed with an on-sale beer license, in which food shall not be sold or served to the public as in a bona fide public eating place, and in which sandwiches, salads, desserts, and similar short orders shall not be sold and served, in accordance with rules prescribed by the department.

(b) "Public premises" does not include railroad dining or club cars, passenger ships, airplanes, or bona fide clubs after such clubs have been lawfully operated for not less than one year; nor does it include historic units of the state park system,

premises being operated under a temporary on-sale beer license other than permitted pursuant to Section 24045.5, or on-sale beer licensed stadia, auditoria, fairgrounds, or racetracks.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1340 is enacted by the Legislature at its 1968 Regular Session and, as enacted, amends Section 23039 of the Business and Professions Code and in such case at the same time as Assembly Bill No. 1340 takes effect, at which time Section 23039 of the Business and Professions Code as amended by Section 1 of this act is repealed.

CHAPTER 952

An act to add Section 13582.5 to the Education Code, relating to classified employees.

[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 13582.5 is added to the Education Code, to read:

13582.5. If the governing board of any school district employs staff assistants or field representatives to directly assist the governing board or individual governing board members in carrying out their policymaking duties, such assistants or representatives shall be members of the classified service, except that such assistants or representatives shall be exempt from all provisions of this code relating to obtaining a permanent status in any position in the district, and procedures pertaining to the recruitment, appointment, classification, and salary of members of the classified service.

Staff assistants shall serve at the pleasure of a majority of the governing board, and each field representative appointed by the governing board to assist an individual member shall serve at the pleasure of such member.

It is the intent of the Legislature that persons employed under Section 13582.5 will not be utilized for election campaigns of board members during hours of their employment.

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 953

An act to add Sections 135.3, 135.4, 135.5, 135.6, and 135.7 to the Streets and Highways Code, and to add Section 37110.5 to the Health and Safety Code, relating to replacement housing.

[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 135.3 is added to the Streets and Highways Code, to read:

135.3. The Legislature intends by this act to provide prompt and equitable relocation assistance to low-income individuals and families displaced because of the construction of state highway projects in areas where the market value of real property is economically depressed. The Legislature by establishing a replacement housing program for such individuals and families intends to accomplish this objective of providing housing which is decent, safe, sanitary, and functionally equivalent to the housing eliminated by highway construction. Such replacement housing program shall be coordinated with the relocation advisory assistance provided by the department in accordance with Section 135.1. The Legislature further intends that to the extent the department deems feasible such housing shall be supplied by existing housing, moved housing, and refurbished housing before new replacement housing is constructed on a volume basis.

SEC. 2. Section 135.4 is added to the Streets and Highways Code, to read:

135.4. As used in Sections 135.3, 135.4, 135.5, 135.6, and 135.7:

(a) "Low-income individuals and families" means those persons who lack the financial ability and income necessary to obtain replacement housing.

(b) "Economically depressed area" means an area which the commission by resolution determines to meet all of the following criteria:

(1) The state highway project is located in an area consisting principally of housing occupied by low-income individuals and families.

(2) An adequate number of replacement housing units for low-income individuals and families is not available in the immediate area of the state highway project.

(3) Relocation advisory assistance will be insufficient to place a majority of such individuals and families in replacement housing in the immediate area of the state highway project.

(c) "Replacement housing" means functionally comparable single or multiple dwelling units which are decent, safe, and sanitary for low-income individuals and families.

SEC. 3. Section 135.5 is added to the Streets and Highways Code, to read:

135.5. (a) As used in this section, "relocation assistance" means, and shall be limited to, that assistance reasonably necessary to place low-income individuals and families who lack the financial ability and income to obtain replacement housing without relocation assistance, and who own and reside in housing in an economically depressed area and who are displaced because of the acquisition or clearance of right-of-way for a project on the state highway system, in replacement housing in the same relative economic ownership position as before displacement by transferring or exchanging their right, title, and interest in property required for state highway purposes for the right, title, and interest in replacement housing.

(b) The department is authorized to provide relocation assistance to low-income individuals and families who own and reside in housing in an economically depressed area and who are displaced because of the acquisition or clearance of rights-of-way for a project on the state highway system, which project is located in an economically depressed area.

(c) The department is authorized to adopt rules and regulations to implement this section. Such rules and regulations shall include provisions relating to:

(1) The methods and priorities for placing such low-income individuals and families in replacement housing.

(2) The standards for determining the relative economic ownership position of such low-income individuals and families before displacement. The department in determining such standards shall consider the equity value and monthly payments of principal and interest, the availability of federal housing programs, and such other similar ownership factors.

(3) The standards for determining which of such low-income individuals and families lack the financial ability and income necessary to obtain replacement housing without relocation assistance.

(4) The procedure for transferring or exchanging right, title, and interest in property required for state highway purposes for the right, title, and interest in replacement housing.

SEC. 4. Section 135.6 is added to the Streets and Highways Code, to read:

135.6. The department may acquire, either in fee or in any lesser estate or interest, any unimproved or unoccupied real property, or real property not devoted primarily to residential use, to provide replacement housing for low-income individuals and families who reside in economically depressed areas and are displaced because of the acquisition or clearance of rights-of-way for a project on the state highway system, in order to enable them to live in decent, safe, and sanitary dwellings. All other property acquired for such purpose shall be acquired by means other than condemnation. The acquisition of such property is declared to be a public purpose and use.

SEC. 5. Section 135.7 is added to the Streets and Highways Code, to read:

135.7. The department may contract with other public agencies, private individuals, and corporations for the financing, planning, development, construction, management, sale, exchange, or lease of replacement housing. Low-income individuals and families displaced because of the acquisition or clearance of rights-of-way for a project on the state highway system shall be given priority in buying, leasing, transferring, or exchanging property for replacement housing.

SEC. 6. Section 37110.5 is added to the Health and Safety Code, to read:

37110.5. Subject to the provisions of Section 37111, the department may provide assistance to the Department of Public Works in the undertaking, construction, maintenance, operation, or financing of replacement housing designed for persons displaced because of the acquisition or clearance of rights-of-way for a project on the state highway system. The department may advise the California Highway Commission of its recommendation whether or not an area traversed by an adopted highway location is an area that is economically depressed before the California Highway Commission makes its determination thereon.

SEC. 7. The Department of Public Works shall submit a report to the Legislature not later than the fifth legislative day of the 1970 Regular Session as to the program developed and progress made in providing replacement housing in economically depressed areas for low-income individuals and families displaced by highway construction.

SEC. 8. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 954

An act to add Sections 38264, 38430, 38633, and 38735 to the Agricultural Code, and to amend Section 38734 of the Agricultural Code as added by Chapter 126 of the Statutes of 1968, relating to milk and milk products.

[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 38264 is added to the Agricultural Code, to read:

38264. When evaporated skim milk or condensed skim milk is made entirely from grade A milk, its manufacturer may label it grade A.

SEC. 2. Section 38430 is added to the Agricultural Code, to read:

38430. Notwithstanding any provision to the contrary, when nonfat dry milk is made entirely from grade A milk and meets the composition standards adopted by the director, its manufacturer may label it grade A.

The director shall adopt composition standards for grade A nonfat dry milk which shall be equal as nearly as practical to the composition standards for grade A dry milk products contained in the recommended sanitation ordinance and code for dry milk products used in grade A pasteurized milk products of the United States Public Health Service.

SEC. 3. Section 38633 is added to the Agricultural Code, to read:

38633. When concentrated skim milk is made entirely from grade A milk, its manufacturer may label it grade A.

SEC. 4. Section 38735 is added to the Agricultural Code, to read:

38735. When yogurt, dietetic yogurt, nonfat liquid yogurt drink, or fruit yogurt is made entirely from grade A milk products, its manufacturers may label it grade A, and need not otherwise state that it is made from grade A milk products.

SEC. 5. Section 38734 of the Agricultural Code as added by Chapter 126 of the Statutes of 1968 is amended 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.

CHAPTER 955

An act to amend Section 1656 of the Vehicle Code, relating to Vehicle Code and synopsis.

[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 1656 of the Vehicle Code is amended to read:

1656. (a) The department shall publish the complete text of the California Vehicle Code together with other laws relating to the use of highways or the operation of motor vehicles at least once every two years and may republish the code and laws and distribute the same as may be deemed advisable with-

out charge upon written request of any state or local governmental officer or agency, or of any federal agency. Paperback copies of the Vehicle Code may be distributed without charge to any public secondary school in this state in quantities not to exceed one for each driver training and education instructor and one for each public secondary school library. The department shall sell and distribute the California Vehicle Code to all other persons upon the payment of one dollar ($1) per copy. The receipts from the sale of such publications shall be deposited in the Motor Vehicle Fund. Any funds remaining in the Vehicle Code publication account on the effective date of the amendment of this section in 1963 shall be transferred to the Motor Vehicle Fund.

(b) The department shall publish a synopsis or summary of the laws regulating the operation of vehicles and the use of the highways and may deliver a copy thereof without charge with each original vehicle registration and with each original driver's license. The department shall publish such number of copies of the synopsis or summary in the Spanish language as the director determines are needed to meet the demand for such copies. The department shall furnish both English and Spanish copies to its field offices and to law enforcement agencies for general distribution and, when it does so, shall furnish the copies without charge.

CHAPTER 956

An act to amend Section 8202 of, and to add Section 8202.5 to, the Government Code, relating to notaries public.

[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 8202 of the Government Code is amended to read:

8202. No county officer, or his deputy, except as provided by Section 8202.5, is eligible to or may perform the duties of the office notary public. This section does not apply to district attorneys, county counsels, treasurers, deputy county clerks who do not receive annual salaries, deputy county auditors, public administrators and public defenders.

SEC. 2. Section 8202.5 is added to the Government Code, to read:

8202.5. The Secretary of State may appoint and commission such number of county employees as notaries public in the several counties of the state to act for and on behalf of the county by whom they are employed as he deems proper. Whenever such a notary is appointed and commissioned, the county, through its duly authorized representatives, shall execute a

certificate that the appointment is made for the purposes of the county, and whenever such certificate is filed with any state or county officer, no fees shall be charged by the officer for the filing or issuance of any document in connection with such appointment.

Any county for which a notary public is appointed and commissioned pursuant to this section may pay from any funds available for its support the premiums on any bond and the cost of any stamps, seals or other supplies required in connection with the appointment, commission or performance of the duties of such notary public.

Any fees collected or obtained by any notary public whose documents have been filed without charge and for whom bond premiums have been paid by a county shall be remitted by him to the county by whom he is employed and paid into the county treasury to the credit of the fund from which his salary is paid.

CHAPTER 957

An act to amend Sections 6726.6 and 7354 as added by Section 40 of Chapter 1667 of the Statutes of 1967, of the Welfare and Institutions Code, relating to leaves of absence from state hospitals, and 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 6726.6 of the Welfare and Institutions Code is amended to read:

6726.6. Any patient who is placed on leave of absence or discharged from a state hospital may be granted care in a licensed hospital or other suitable licensed facility. The State Department of Social Welfare may pay for such care at a rate not exceeding the average cost of care of patients in the state hospitals as determined by the Administrator of the Health and Welfare Agency. Such payments shall be made from funds available to the State Department of Social Welfare for that purpose.

The State Department of Social Welfare shall make payments for services for mentally retarded patients in private facilities on leave or discharged from state hospitals on the basis of reimbursement for reasonable cost, using the same standards and rates consistent with those established by the Administrator of the Health and Welfare Agency for similar types of care. Such payments shall be made within the limitation of funds appropriated to the State Department of Social Welfare for that purpose.

SEC. 2. Section 7354 of the Welfare and Institutions Code as added by Chapter 1667 of the Statutes of 1967, is amended to read:

7354. Any patient who is placed on leave of absence or discharged from a state hospital may be granted care in a licensed hospital or other suitable licensed facility. The State Department of Social Welfare may pay for such care at a rate not exceeding the average cost of care of patients in the state hospitals as determined by the Director of Social Welfare. Such payments shall be made from funds available to the State Department of Social Welfare for that purpose or for the support of patients in the state hospitals.

The State Department of Social Welfare shall make payments for services for mentally retarded patients in private facilities on leave or discharged from state hospitals on the basis of reimbursement for reasonable cost, using the same standards and rates consistent with those established by the Administrator of the Health and Welfare Agency for similar types of care. Such payments shall be made within the limitation of funds appropriated to the State Department of Social Welfare for that purpose.

SEC. 3. Section 1 of this act shall cease to be operative on the operative date of Section 40 of Chapter 1667 of the Statutes of 1967.

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:

To reflect the fact that the responsibility of placing mentally retarded persons from state hospitals in other suitable institutions was transferred to the State Department of Social Welfare on July 1, 1966, by the Budget Act of 1966 and to give the department the right to set standards and determine rates of payment for such care, it is essential that this act take effect immediately.

CHAPTER 958

An act to amend Section 3501 of, and to add Section 3507.3 to, the Government Code, relating to public employees.

[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 3501 of the Government Code is amended to read:

3501. As used in this chapter:

(a) "Employee organization" means any organization which includes employees of a public agency and which has as one

of its primary purposes representing its members in employer-employee relations.

(b) Except as otherwise provided in this subdivision, "public agency" means the State of California, every governmental subdivision, every district, every public and quasi-public corporation, every public agency and public service corporation and every town, city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not. As used in this chapter, "public agency" does not mean a school district or a county board of education or a county superintendent of schools or a personnel commission in a school district having a merit system as provided in Chapter 3 (commencing with Section 13580) of Division 10 of the Education Code.

(c) "Public employee" means any person employed by any public agency excepting those persons elected by popular vote or appointed to office by the Governor of this state.

SEC. 2. Section 3507.3 is added to the Government Code, to read:

3507.3. Professional employees shall not be denied the right to be represented separately from nonprofessional employees by a professional employee organization consisting of such professional employees.

"Professional employees," for the purposes of this section, means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers, and the various types of physical, chemical, and biological scientists.

CHAPTER 959

An act to amend Section 6546 of the Government Code, relating to revenue bonds.

[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 6546 of the Government Code is amended to read:

6546. In addition to other powers, any agency, commission or board provided for by a joint powers agreement pursuant to Article 1, if such entity has the power to acquire, construct, maintain or operate any one or more of the following projects:

(a) An exhibition building or other place for holding fairs or exhibitions for the display of agricultural, livestock, industrial, or other products;

(b) A coliseum, a stadium, a sport arena or sports pavilion or other building for holding sport events, athletic con-

tests, contests of skill, exhibitions, spectacles and other public meetings;

(c) Any other public buildings;

(d) In a county having a population in excess of 4,000,000, a regional public park or regional public recreation area and all facilities and improvements related thereto;

may issue revenue bonds pursuant to this article to pay the cost and expenses of acquiring or constructing a project for any or all of said purposes.

CHAPTER 960

An act to amend Sections 20980 and 21290.5 of, to add Sections 20603.01, 20750.25, and 21252.01 to, and to repeal Sections 20603, 21256, and 21257 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 20603 of the Government Code is repealed.

SEC. 2. Section 20603.01 is added to the Government Code, to read:

20603.01. For each patrol member and for each local safety member subject to Section 21252.01 of this code, effective in the case of patrol members on the operative date of this section, and in the case of local safety members on the date such member becomes subject to Section 21252.01 by reason of the amendment of his employer's contract, or on the later date of entrance into this system, the normal rate of contribution shall be 9 percent. The Legislature reserves the right to increase the rate of contribution of patrol members as it may find appropriate from time to time. No adjustment shall be included in rates adopted under this section as the result of amendments hereto, changing the time at which members may retire or the benefits members will receive, because of time during which members have contributed at different rates prior to such adoption.

SEC. 3. Section 20750.25 is added to the Government Code, to read:

20750.25. A public employer's contribution to the retirement fund in respect to state patrol members provided by any and all other provisions of this chapter is increased by a sum equal to 13.23 percent of the compensation paid state patrol members employed by such employer.

SEC. 4. Section 20980 of the Government Code is amended to read:

20980. Every patrol member and every local safety member subject to Section 21252.01 shall be retired on the first day

of the calendar month succeeding that in which he attains age 60.

Any patrol member over the age of 60 on the effective date of the amendment to this section enacted at the 1968 Regular Session of the Legislature and any local safety member subject to Section 21252.01 over the age of 60 on the date of the amendment to his employee's contract subjecting the member to Section 21252.01 shall be retired on the first day of the calendar month following the effective date of such amendment.

SEC. 5. Section 21252.01 is added to the Government Code, to read:

21252.01. The current service pension for patrol members and for local safety members with respect to local safety service rendered to a contracting agency which is subject to the provisions of this section is a pension derived from the contributions of the employer sufficient when added to the service retirement annuity which is derived from the accumulated normal contributions of the patrol member at the date of his retirement to equal the fraction of one-fiftieth of his final compensation set forth opposite his age at retirement taken to the preceding completed quarter year, in the following table, multiplied by the number of years of highway patrol service and local safety service subject to this section with which he is credited at retirement.

Age at retirement	Fraction
50	1.0000
50¼	1.0175
50½	1.0350
50¾	1.0525
51	1.0700
51¼	1.0875
51½	1.1050
51¾	1.1225
52	1.1400
52¼	1.1575
52½	1.1750
52¾	1.1925
53	1.2100
53¼	1.2275
53½	1.2450
53¾	1.2625
54	1.2800
54¼	1.2975
54½	1.3150
54¾	1.3325
55 and over	1.3500

In no event shall the current service pension under this section for service to any one employer exceed an amount which, when added to the service retirement annuity related to such service, equals 75 percent of final compensation.

This section shall not apply to any contracting agency, any of whose employees who are local safety members have been included in the federal system. It shall not apply to any other contracting agency or its employees unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts or, in the case of contracts made after the date this section is operative, by express provision in such contract making the contracting agency subject to the provisions of this section.

This section shall supersede Section 21252.1 with respect to patrol members who retire after the effective date of this section.

Notwithstanding Sections 21208 and 21209, this section shall not apply to warden or forestry members.

The Legislature reserves, with respect to any member subject to this section, the right to provide for such adjustment of industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier ages of service retirement made possible by the benefits under this section.

SEC. 6. Section 21256 of the Government Code is repealed.

SEC. 7. Section 21257 of the Government Code is repealed.

SEC. 8. Section 21290.5 of the Government Code is amended to read:

21290.5. Upon retirement for nonindustrial disability, a patrol member or local safety member subject to Section 21252.01 who has attained age 50, or a warden or forestry member who has attained age 60, shall receive his service retirement allowance.

SEC. 9. This act shall become operative on the first day of the month following the month in which statutes enacted at the 1968 Regular Session are effective.

CHAPTER 961

An act to amend Section 10509 of the Education Code, and to add Section 3074.7 to the Labor Code, relating to training.

[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 10509 of the Education Code is amended to read:

10509. Notwithstanding any other provisions of this code, and except as provided in Section 3074.7 of the Labor Code, no charges or fees of any kind shall be required to be paid

by any apprentice, or by his parents or guardian, for admission or attendance in any class in any school district which provides instruction under Section 3074 of the Labor Code in accord with the requirements of subdivision (d) of Section 3078 of that code. Nothing contained in this section, however, shall be construed as prohibiting the governing board of a school district providing nonresident apprentices of that district with such instruction under Section 3074 of the Labor Code from charging to, or collecting from, the school district in which such nonresident apprentices reside, tuition and other charges or fees in accordance with the definitions and provisions contained elsewhere in this code.

SEC. 2. Section 3074.7 is added to the Labor Code, to read:

3074.7. Notwithstanding any other provision of law, the governing board of a school district which offers classroom instruction in postgraduate and upgrading courses pursuant to subdivision (d) of Section 3093 of this code may impose a fee upon individuals receiving instruction in such postgraduate and upgrading courses. Such fee shall be not more than the amount necessary, as determined by the governing board, to cover the total cost of all such classroom instruction given the individuals.

CHAPTER 962

An act to amend Section 12802 of the Agricultural Code, relating to economic poisons.

[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 12802 of the Agricultural Code is amended to read:

12802. It is not a violation of this chapter for:

(a) A person that is engaged in the business of farming, that does not manufacture or sell economic poisons, to accommodate his neighbors by furnishing and applying any registered economic poison to any tree or plant for them, without having obtained the license or having become a registrant pursuant to this chapter.

(b) A person that holds a valid agricultural pest control license pursuant to Division 6 (commencing with Section 11401) of this code, that does not manufacture, deal in, or sell economic poisons, except for use in connection with his own agricultural pest control service work, to use registered economic poisons in his own business without having obtained the license or having become a registrant pursuant to this chapter.

(c) A person who holds a valid structural pest control license issued pursuant to Chapter 14 (commencing with Section 8500) of Division 3 of the Business and Professions Code,

who does not manufacture, deal in, or sell economic poisons except for use in connection with his own structural pest control service work, to use registered economic poisons in his own business, provided the container used identifies the economic poison therein and that it also contains any warning or cautionary statements or symbols which were on the registrant's container, without having obtained the license or having become a registrant pursuant to this chapter.

For the purposes of this section, the manufacturing of, or dealing in, economic poisons does not include the mixing or diluting of any registered economic poison in accordance with directions which are placed upon its container by a registrant or in conformance with established custom or practice.

CHAPTER 963

An act to amend Section 14601 of, to add Sections 14601 and 14601.1 to, and to repeal Section 14601 of, the Vehicle Code, relating to drivers' licenses.

[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 14601 of the Vehicle Code is amended to read:

14601. (a) No person shall drive a motor vehicle upon a highway at any time when his driving privilege is suspended or revoked and the person so driving has knowledge of either such fact. Knowledge shall be presumed if notice has been given by the department to such person. The presumption established by this subdivision is a presumption affecting the burden of proof.

Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not more than six months or by fine of not more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction, within seven years of a prior conviction, by imprisonment in the county jail for not less than five days nor more than one year and by fine of not more than one thousand dollars ($1,000) or by both such fine and imprisonment.

(b) If any person is convicted of a second or subsequent offense under this section within seven years of a prior conviction and is granted probation, it must be a condition of probation that such person be confined in jail for at least five days.

SEC. 2. Section 14601 of the Vehicle Code is repealed.

SEC. 3. Section 14601 is added to the Vehicle Code, to read:

14601. (a) No person shall drive a motor vehicle upon a highway at any time when his driving privilege is suspended or revoked for reckless driving, driving while under the influence of alcohol, drugs or narcotics, under the combined influence of alcohol, drugs or narcotics, any reason listed in subdivisions (b) through (f) of Section 12805 requiring the department to refuse to issue a license, negligent or incompetent operation of a motor vehicle as prescribed in subdivision (e) of Section 12809, or negligent operation as prescribed in Section 12810, and the person so driving has knowledge of such suspension or revocation. Knowledge shall be presumed if notice has been given by the department to such person. The presumption established by this subdivision is a presumption affecting burden of proof.

(b) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than five days nor more than six months and by fine of not more than five hundred dollars ($500), and upon a second or any subsequent conviction, within seven years of a prior conviction, by imprisonment in the county jail for not less than 10 days nor more than one year and by fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment.

(c) If any person is convicted of a second or subsequent offense under this section within seven years of a prior conviction and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 10 days.

SEC. 4. Section 14601.1 is added to the Vehicle Code, to read:

14601.1. (a) No person shall drive a motor vehicle on a highway when his driving privilege is suspended or revoked for any reason other than those listed in Section 14601 when the person so driving has knowledge of either such fact. Knowledge shall be presumed if notice has been given by the department to such person. The presumption established by this subdivision is a presumption affecting the burden of proof.

(b) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not more than six months or by fine of not more than five hundred dollars ($500) or by both such fine and imprisonment, and upon a second or any subsequent conviction under this section or Section 14601, within seven years of a prior conviction, by imprisonment in the county jail for not less than five days nor more than one year and by fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment.

SEC. 5. Sections 2, 3, and 4 of this act shall become operative only if Assembly Bill 1197 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time

as Assembly Bill 1197 takes effect, at which time Section 14601 of the Vehicle Code, as amended by Section 1 of this act, is repealed.

CHAPTER 964

An act to add Section 5326 to the Business and Professions Code, relating to outdoor advertising.

[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 5326 is added to the Business and Professions Code, to read:

5326. In addition to the fees set forth in Section 5325, no application for an original permit to place an advertising structure shall be accepted by the department unless it is also accompanied by an application fee of twenty dollars ($20). The application fee shall be retained by the department whether or not a permit is issued.

CHAPTER 965

An act to amend Section 21809 of the Education Code, relating to school district bonds, and 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 21809 of the Education Code is amended to read:

21809. The board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, if any. Said 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 county clerk or the clerk of the board of supervisors or by a deputy of either of such officers. The coupons of said bonds shall be signed by the treasurer or auditor. Unless the board of supervisors otherwise provides, 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 Title 1 of the Government Code. All expense incurred for the preparation, sale, and delivery of the school bonds, including but not limited to, fees of an independent financial consultant, the publication of the official notice of sale of the bonds, the preparation, printing and distribution of the official statement, the preparation of the certified copy of the transcript for the successful bidder, the printing of the bonds, and legal fees of independent bond counsel retained by the school district issuing the bonds are legal charges against the funds of the school district issuing the bonds and may be paid from the proceeds of sale of the bonds.

SEC. 2. The amendment of Section 21809 of the Education Code made by this act does not constitute a change in, but is declaratory of, the preexisting law.

The provisions of Section 21809 of the Education Code as amended by this act shall be applicable to bonds of a district which have been authorized by the district 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 high rate of interest and small demand for tax-exempt bonds during this period of chaotic conditions in the nation's money markets has made it exceedingly difficult to sell school bonds, at the most favorable interest rate to the district. With the large volume of bonding required for school construction throughout the state it is essential for the welfare of the taxpayer that a district seek and utilize professional advice from bond marketing specialists (who do not participate in the underwriting) in order to make their bonds more marketable, structure the debt carefully to each district's individual needs and ability to repay at the lowest possible interest cost, and to stimulate competition to achieve the lowest interest rate possible on the bonds. It is therefore imperative that this act, which will clearly allow districts to retain independent financial consultants to market their bonds more successfully in order to obtain the lowest interest rate possible which could result in the savings of hundreds of thousands of dollars of interest costs, take effect immediately.

CHAPTER 966

An act to amend Section 2943 of the Civil Code, relating to secured land transactions.

[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 2943 of the Civil Code is amended to read:

2943. As used in this section:

(a) "Beneficiary" means a mortgagee or beneficiary of a deed of trust, or his assignees.

(b) "Entitled person" means the trustor or mortgagor, or his successor in interest, in the mortgaged or trust property, or any part thereof, or any beneficiary under a subordinate deed of trust or any other person having a subordinate lien or encumbrance of record thereon.

A beneficiary, or his authorized agent, shall, on the written demand of an entitled person, or his authorized agent, made at any time before, or within two months after, the recording of a notice of default under a mortgage or deed of trust, if the power of sale therein is to be exercised, or otherwise made more than 30 days prior to entry of the decree of foreclosure, prepare and deliver to the person demanding it a written statement showing:

(a) The amount of the unpaid balance of the obligation secured by the mortgage or deed of trust and the interest rate, together with the total amounts, if any, of all overdue installments of either principal or interest, or both.

(b) The amounts of periodic payments, if any.

(c) The date on which the obligation is due in whole or in part.

(d) The date to which real estate taxes and special assessments have been paid to the extent such information is known to the lender.

(e) The amount of hazard insurance in effect and the term and premium of such insurance to the extent such information is known to the lender.

(f) The amount in an account, if any, maintained for the accumulation of funds with which to pay taxes and insurance premiums.

(g) The nature and, if known, the amount of any additional charges, costs, or expenses paid or incurred by the beneficiary which have become a lien on the real property involved.

The beneficiary may, before delivering a statement, require reasonable proof that the person making the demand is, in fact, an entitled person or an authorized agent of an entitled person, in which event the beneficiary shall not be subject to the penalties of this section until 21 days after receipt of the proof herein provided for. A statement in writing signed by the en-

titled person appointing an authorized agent when delivered personally to the beneficiary or delivered by registered return receipt mail shall constitute reasonable proof as to the identity of an agent. Similar delivery of a policy of title insurance, preliminary report issued by a title company, original or photographic copy of a grant deed or certified copy of letters testamentary, guardianship, or conservatorship shall constitute reasonable proof as to the identity of a successor in interest, provided the person demanding a statement is named as successor in interest in the document.

Delivery of the statement by the beneficiary, as herein referred to, shall mean depositing or causing to be deposited in the United States mail an envelope, with postage prepaid, containing a copy of the statement, addressed to the person whose name and address is set forth in the demand therefor.

If a beneficiary for a period of 21 days after receipt of such written demand willfully fails to prepare and deliver such statement, he is liable to the entitled person for all damages which he may sustain by reason of such refusal and, whether or not actual damages are sustained, he shall forfeit to the entitled person the sum of one hundred dollars ($100). Each such failure to prepare and deliver such a statement, occurring at a time when, pursuant to this section, the beneficiary is required to prepare and deliver the statement, creates a separate cause of action, but a judgment awarding an entitled person such forfeiture, or damages and forfeiture, for any such failure to prepare and deliver a statement bars recovery of such damages and forfeiture for any other failure to prepare and deliver a statement, with respect to the same obligation, in compliance with a demand therefor made within six months before or after the demand as to which the award was made.

If the beneficiary has more than one branch, office or other place of business, then the demand shall be made to the branch or office at which the payments of the obligation are made, and the statement, unless it specifies otherwise, shall be deemed to apply only to the unpaid balance owing to or payable at the branch or office secured by the mortgage or deed of trust.

The beneficiary may make a charge not to exceed fifteen dollars ($15) for furnishing the required statement, except that no charge shall be made for such statement unless such charge has been specifically provided for in such mortgage or deed of trust, and that this requirement for provision for such charge in the instrument shall not apply to mortgages or deeds of trust insured by the Federal Housing Administrator or guaranteed by the Administrator of Veterans Affairs.

This section applies only to mortgages and deeds of trust executed on or after January 1, 1964.

CHAPTER 967

An act to amend Section 13920 of the Government Code, relating to State Board of Control.

[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 13920 of the Government Code is amended to read:

13920. By a majority vote, the board shall adopt general rules and regulations:

(a) Limiting the amount, time, and place of expenses and allowances to be paid to officers, agents, and employees of the state while traveling on official state business. The rules and regulations shall provide for reasonable reimbursement to an officer, agent or employee of the state for expenses incurred by him to repair a privately owned vehicle which was damaged through no fault of said officer, agent or employee; provided that the damage occurred while the vehicle was used on official state business with the permission or authorization of an employing agency.

(b) Governing such matters as are specifically committed to its jurisdiction.

(c) Governing the presentation and audit of claims against the state for which an appropriation has been made or for which a state fund is available.

(d) Governing the computation of pay in the case of any officer or employee on a monthly basis salary who is entitled to less than a full month's pay.

CHAPTER 968

An act to amend Section 31900 of the Education Code, relating to notice of right to vote by absentee ballot.

[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 31900 of the Education Code is amended to read:

31900. Each mailing sent to voters to inform them of an election to be held pursuant to this code shall include the following statement:

Notice: If you expect to be absent from your election precinct on election day, will be unable to vote in your election precinct by reason of physical disability, or will be unable to go to your polling place because the tenets of your religion

prevent you from doing so throughout the day of election, you may apply, in person or by mail, for an absent voter's ballot at the office of the _____ (indicate appropriate official). Your application may be submitted not more than _____ days before the date of election, but must reach the office of the _____ (indicate appropriate official) not less than _____ days before the day of election.

CHAPTER 969

An act to amend Sections 43609, 45892, and 45911 of the Agricultural Code, relating to carrot containers and 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 43609 of the Agricultural Code is amended to read:

43609. Standard containers numbers 45N to 45W, inclusive, are as follows:

Number	Name	Dimensions in inches Depth	Width	Length
45N	Carrot container	$14\frac{1}{4}$	$18\frac{1}{4}$	$20\frac{1}{2}$ or $21\frac{3}{4}$
45O	Carrot container	$9\frac{3}{4}$	$18\frac{1}{4}$	$20\frac{1}{2}$ or $21\frac{3}{4}$
45P	Carrot container	9	$14\frac{1}{4}$	$21\frac{1}{4}$ or $21\frac{1}{2}$
45Q	Carrot container	$9\frac{1}{4}$	9	$17\frac{1}{2}$
45R	Carrot container	13	13	25
45T	Carrot container	$11\frac{15}{16}$	$11\frac{15}{16}$	$18\frac{3}{4}$
45W	Carrot container	$10\frac{3}{4}$	$15\frac{1}{2}$	18

SEC. 2. Section 45892 of the Agricultural Code is amended to read:

45892. The standard containers for carrots are standard container numbers 45N, 45O, 45P, 45Q, 45R, 45T, and 45W.

SEC. 3. Section 45911 of the Agricultural Code is amended to read:

45911. Bunched carrots and carrots with tops removed, whether in consumer packages or not, which are in closed wooden, fiberboard, combination of wood and treated corrugated paper, or wirebound containers shall be in standard container number 45N, 45O, 45P, 45Q, 45R, 45T, or 45W.

SEC 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

In order for the carrot containers authorized by this act to be used during the current carrot production season, this act must take effect immediately.

CHAPTER 970

An act to add Section 54932 to the Government Code, relating to city annexations, and 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 54932 is added to the Government Code, to read:

54932. Notwithstanding any other provision of this chapter, any annexations by a city, the proceedings for which were completed on December 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 May 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 971

An act to repeal Section 35561.4 of, and to add Section 35561.4 to, the Government Code, relating to city boundaries.

[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 35561.4 of the Government Code is repealed.

SEC. 2. Section 35561.4 is added to the Government Code, to read:

35561.4. The legislative body of a city may initiate proceedings to exclude a portion of uninhabited territory annexed to the city as uninhabited territory on its own motion without requiring a petition. If it does, the resolution giving notice shall declare that proceedings have been initiated by the legislative body and set forth its reasons for desiring exclusion. No such resolution of intention shall be adopted until the approval of the local agency formation commission is first obtained pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5. The city council shall set a public hearing to consider the proposed exclusion. If, on or before the time set for the public hearing, there has not been filed with the city clerk a protest by property owners representing fifty percent (50%) of the area and assessed value of land of the territory proposed for exclusion, the city council may by ordinance exclude the territory. In such case, no election need or shall be called or held for the purpose of exclusion of such territory. The clerk of the legislative body shall within ten (10) days after the passage of said ordinance file with the Secretary of State and the board of supervisors a certified copy of said ordinance in the same manner as herein provided for filing of a copy of a report and statement of election held under the provisions of this article; and, upon such filing, such exclusion shall be complete and the territory affected no longer a part of the city. If the city, prior to such exclusion, has incurred any expense for the construction or installation of any facilities or improvements on the property so excluded, each owner of said property shall reimburse the city the full amount of such expense, fairly attributable to his property, together with interest thereon at the rate of six percent (6%) per annum from the date of the payment of such expense by the city. All amounts due on account of such reimbursement shall be a lien on the property affected and enforceable in the same manner as liens for city taxes. Said property shall also remain liable for its proportion of debts contracted by the city prior to such exclusion as provided in Section 35564 of this code.

CHAPTER 972

An act to amend Sections 6505, 6508, 6551 and 6558 of, and to add Sections 6505.1, 6505.5, 6508.1 and 6509.5 to, the Government Code, relating to joint exercise of powers.

[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 6505 of the Government Code is amended to read:

6505. The agreement shall provide for strict accountability of all funds and report of all receipts and disbursements.

In addition, and provided a separate agency or entity is created, the public officer performing the functions of auditor or controller as determined pursuant to Section 6505.5, shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of every agency or entity. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code and shall conform to generally accepted auditing standards.

Where an audit of an account and records is made by a certified public accountant or public accountant, a report thereof shall be filed as public records with each of the contracting parties to the agreement and also with the county auditor of the county in which each of the contracting parties is located. Such report shall be filed within 12 months of the end of the fiscal year under examination.

Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants, in making an audit pursuant to this section shall be borne by the agency or entity and shall be a charge against any unencumbered funds of the agency or entity available for the purpose.

All agencies or entities whose annual budget does not exceed five hundred dollars ($500), may, by unanimous request of the governing body thereof, with unanimous approval of the contracting parties replace the annual special audit with an audit covering a two-year period.

SEC. 2. Section 6505.1 is added to the Government Code, to read:

6505.1. The contracting parties to an agreement made pursuant to this chapter shall designate the public office or officers or person or persons who have charge of, handle, or have access to any property of the agency or entity and shall require such public officer or officers or person or persons to file an official bond in an amount to be fixed by the contracting parties.

SEC. 3. Section 6505.5 is added to the Government Code, to read:

6505.5. If a separate agency or entity is created by the agreement, the agreement shall designate the treasurer of one of the contracting parties, or in lieu thereof, the county treasurer of a county in which one of the contracting parties is situated to be the depositary and have custody of all the money of the agency or entity, from whatever source.

The treasurer so designated shall:

(a) Receive and receipt for all money of the agency or entity and place it in the county treasury to the credit of the agency or entity;

(b) Be responsible upon his official bond for the safekeeping and disbursement of all agency or entity money so held by him;

(c) Pay, when due, out of money of the agency or entity so held by him, all sums payable on outstanding bonds and coupons of the agency or entity;

(d) Pay any other sums due from the agency or entity from agency or entity money, or any portion thereof, only upon warrants of the public officer performing the functions of auditor or controller who has been designated by the agreement; and

(e) Verify and report in writing on the first day of July, October, January, and April of each year to the agency or entity and to the contracting parties to the agreement the amount of money he holds for the agency or entity, the amount of receipts since his last report, and the amount paid out since his last report.

The officer performing the functions of auditor or controller shall be of the same public agency as the treasurer designated depositary pursuant to this section. He shall draw warrants to pay demands against the agency or entity when the demands have been approved by any person authorized to so approve in the agreement creating the agency or entity.

The governing body of the same public entity as the treasurer and auditor specified pursuant to this section shall determine charges to be made against the agency or entity for the services of the treasurer and auditor.

SEC. 4. Section 6508 of the Government Code is amended to read:

6508. The agency shall possess the common power specified in the agreement and may exercise it in the manner or according to the method provided in the agreement. If the agency is not one or more of the parties to the agreement but is a public entity, commission or board constituted pursuant to the agreement and such agency is authorized, in its own name, to do any or all of the following: to make and enter contracts, or to employ agents and employees, or to acquire, construct, manage, maintain or operate any buildings, works or improvements, or to acquire, hold or dispose of property or to incur debts, liabilities or obligations, said agency shall have the power to sue and be sued in its own name.

SEC. 5. Section 6508.1 is added to the Government Code, to read:

6508.1. If the agency is not one or more of the parties to the agreement but is a public entity, commission or board constituted pursuant to the agreement, the debts, liabilities and obligations of the agency shall be debts, liabilities and obligations of the parties to the agreement, unless the agreement shall specify otherwise.

SEC. 6. Section 6509.5 is added to the Government Code, to read:

6509.5. Any separate agency or entity created pursuant to this chapter shall have the power to invest any money in the treasury pursuant to Section 6505.5 that is not required for the immediate necessities of the agency or entity, as the agency or entity determines is advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code.

SEC. 7. Section 6551 of the Government Code is amended to read:

6551. Revenue bonds issued under this article and contracts or obligations entered into to carry out the purposes for which bonds are issued, payable in whole or in part from the proceeds of said bonds, shall not constitute a debt, liability or obligation of any of the public agencies who are parties to the agreement creating such entity.

SEC. 8. Section 6558 of the Government Code is amended to read:

6558. The indenture may include covenants or other provisions, other than or in lieu of the provisions required by Article 1 (commencing with Section 6540) of this chapter, relating to the collection, deposit and safekeeping of the revenues, the permissible uses thereof, the special fund or funds to be kept for the payment of principal and interest of the bonds, including reserve, sinking, bond service, redemption and trust funds, and any bond payable from the revenue fund may be paid from any such special fund set up therefor; the appointment of a trustee; the permissible investments for moneys in said funds, or any thereof, the accounts and records to be kept, audits thereof and examination thereof by bondholders and others, and reports to be made by the entity. Any indenture providing for the appointment of a trustee shall limit such trustee's power of investment to only such investments as are authorized by Section 53601.

CHAPTER 973

An act to add Section 858.7 to the Penal Code, relating to criminal procedure.

[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 858.7 is added to the Penal Code, to read:

858.7. (a) In any case in which the defendant has been convicted of a misdemeanor and is serving a sentence as a result of such conviction and there has been filed and is pend-

ing in another county a complaint charging him with a misdemeanor Vehicle Code violation, the defendant may appear before the court that sentenced him, and a magistrate of that court shall give such instructions to the defendant as required by law and inform the defendant of his rights under this section, and, if the defendant desires to plead guilty or nolo contendere to the charge in the complaint, he may so advise the magistrate. If the magistrate determines that such plea would be in the interest of justice, he shall direct the defendant to appear before a specified appropriate court in the county in which defendant is serving his sentence at a designated certain time for plea and sentencing. The magistrate shall request the court in which the complaint has been filed to transmit a certified copy of the complaint and any citation and any factual report which may have been prepared by the law enforcement agency that investigated the case to the court in which defendant is to appear for plea and sentencing. If the court of which the request is made deems such action to be in the interest of justice, and the district attorney of the county in which that court sits, after notice from the court of the request it has received, does not object to such action, the court shall immediately transmit a certified copy of the complaint and any report of the law enforcement agency that investigated the case, and, if not, shall advise the requesting magistrate of its decision not to take such action.

When defendant appears for plea and sentencing, and if a copy of the complaint has been transmitted, the court shall read the copy of the complaint to him, and the defendant may plead guilty or nolo contendere. Such court shall have jurisdiction to accept the plea and impose a sentence. Such court shall notify the court in which the complaint was originally filed of the disposition of the case. If defendant does not plead guilty or nolo contendere, or if transmittal of a copy of the complaint has been refused or if a copy of the complaint has not been received, the court shall terminate the proceedings under this section and shall direct the defendant to appear before the court in which the complaint was filed and is pending on or before a certain day.

(b) (1) Any fines imposed by a court which is given authority to sentence pursuant to this section shall be remitted to the court in which the complaint was originally filed for disposition as required by law. Except as otherwise provided in paragraph (2) of this subdivision, the county of the sentencing court shall bear all costs incurred incident to acceptance of the plea and sentencing, and no part of such costs shall be deducted from the fine remitted to the court in which the complaint was filed.

(2) In any case in which a defendant is sentenced to imprisonment pursuant to this section, and as a result of such sentence he is required to be imprisoned for a time in addition to, and not concurrent with, the time he is imprisoned as a result of the sentence he is otherwise serving, the county in

which the complaint was originally filed shall bear the cost of such additional time of imprisonment that the defendant is required to serve. Such cost may be deducted from any fine required to be remitted pursuant to paragraph (1) of this subdivision to the court in which the complaint was originally filed.

(c) As used in this section, "complaint" includes, but is not limited to, a notice to appear which is within the provisions of Section 40513 of the Vehicle Code.

CHAPTER 974

An act to amend Sections 4102 and 4656.2 of the Revenue and Taxation Code, relating to tax redemption fees.

[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 4102 of the Revenue and Taxation Code is amended to read:

4102. The amount necessary to redeem shall be paid in lawful money of the United States and is the sum of the following:

(a) The amount of sold taxes.

(b) Delinquent penalties and costs.

(c) Redemption penalties.

(d) A redemption fee of one dollar and fifty cents ($1.50) on each separately valued parcel sold to the state prior to June 13, 1969, which fee shall be two dollars ($2) on and after such date.

SEC. 2. Section 4656.2 of the Revenue and Taxation Code is amended to read:

4656.2. All redemption fees shall be distributed 50 percent to the State of California for deposit in the General Fund and 50 percent to the county that is the situs of the tax-sold land for deposit in its general fund.

CHAPTER 975

An act to add Section 31141 and 31142 to the Water Code, relating to county water districts.

[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 31141 is added to the Water Code, to read:

31141. A district may adopt ordinances relating to the provision of sanitation services and the regulation of such services. Every such ordinance shall be in full force and effect forthwith upon adoption, but shall be published once in full in a newspaper of general circulation, printed, published and circulated in the district 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 district.

SEC. 2. Section 31142 is added to the Water Code, to read:

31142. From and after the posting or publication of any ordinance as provided in Section 31141 above, it shall be a misdemeanor for any person to violate any ordinance of the district adopted pursuant to Section 31141, and upon conviction thereof, such person shall be punished by being imprisoned in the county jail for not more than 30 days, or by fine of not more than three hundred dollars ($300), or by both such fine and imprisonment.

CHAPTER 976

An act to add Section 54931.8 to the Government Code, relating to fire protection districts, and 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 54931.8 is added to the Government Code, to read:

54931.8. Notwithstanding any other provision of this chapter, any change in the boundaries of a fire protection district formed or operating under Part 2.7 (commencing with Section 13801) of Division 12 of the Health and Safety Code as a result of the detachment of territory from one district and the annexation of the same territory to another district by action taken on December 5, 1967, pursuant to the District Reorganization Act of 1965, shall be effective for assessment and taxation purposes if the statement and map or plat required by Section 54900 is filed by the districts with the assessor and the State Board of Equalization on or before February 20, 1968, and the certificate of completion required by Section 56454 is filed with the Secretary of State on or before February 20, 1968.

The district from which the territory has been detached shall have no power to furnish fire protection services to said territory on or after July 1, 1968, and no taxes shall be levied by or on behalf of the district on any property in such territory in order to furnish fire protection services to such territory on or after July 1, 1968. The district to which the territory has been annexed shall have the power to furnish fire

protection services to such territory on and after July 1, 1968, and taxes shall be levied by and on behalf of the district on the property in such territory in order to furnish fire protection services to such territory on and after July 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:

Unless this act takes effect immediately, a fire protection district from which territory has been detached will levy and collect taxes on the property within the territory, but will not be obligated to provide fire protection services to the territory, and a fire protection district to which the territory has been validly attached will be required to provide all fire protection services in the territory, but will be unable to levy and collect the taxes necessary to pay the costs of providing fire protection services to the territory.

CHAPTER 977

An act to add Section 54935 to the Government Code, relating to cemetery districts, and 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 54935 is added to the Government Code, to read:

54935. Notwithstanding Sections 54902 and 54903 of this code, any annexation by a cemetery 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 12, 1968, and the certificate of completion required by Section 56454 is filed with the Secretary of State on or before April 26, 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 cemetery districts that annexed territory will not be able to levy taxes in accordance with their new boundaries for the 1968–1969 fiscal year.

CHAPTER 978

An act to add Sections 363.5, 6011.5, and 8425.1 to the Education Code, relating to conservation education.

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

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

SECTION 1. Section 363.5 is added to the Education Code, to read:

363.5. There is hereby created a Conservation Education Service in the Department of Education. The Conservation Education Service shall encourage the development of educational opportunities specifically related to the conservation, the interpretation, and the use of the natural resources of the State of California, including, but not limited to, the development of nature centers, the development of conservation and wildlife education camps, and the development of the educational curriculum in relation to the conservation of natural resources.

SEC. 2. Section 6011.5 is added to the Education Code, to read:

6011.5. The State Superintendent of Public Instruction, upon the recommendation of the Conservation Education Service, is authorized to make planning grants to individual school districts, or groups of school districts, or to unified school districts to assist such school districts in determining the feasibility of programs and classes in conservation education and the feasibility of the maintenance of outdoor education camps and projects for such purposes.

SEC. 3. Section 8425.1 is added to the Education Code, to read:

8425.1. The State Superintendent of Public Instruction, upon the recommendation of the Conservation Education Service, is authorized to make planning grants to individual school districts, or groups of school districts, or to unified school districts to assist such school districts in determining the feasibility of programs and classes in conservation education and the feasibility of the maintenance of outdoor education camps and projects for such purposes.

SEC. 4. Section 2 of this act shall become effective 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 Section 8425.1 of the Education Code as added by Section 3 of this act is repealed.

CHAPTER 979

An act to add Section 2982.5 to the Civil Code, relating to sales of motor vehicles.

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

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

SECTION 1. Section 2982.5 is added to the Civil Code, to read:

2982.5. (a) Nothing contained in this chapter shall be deemed to affect a loan, or the security therefor, between a purchaser of a motor vehicle and a supervised financial organization, other than the seller of the motor vehicle, all or a portion of which loan is used in connection with the purchase of a motor vehicle. As used herein "supervised financial organization" means a person organized, chartered, or holding a license or authorization certificate under a law of this state or the United States to make loans and subject to supervision by an official or agency of this state or the United States.

(b) Nothing in this chapter shall be deemed to prohibit the seller's assisting the buyer in obtaining a loan upon any security from any third party to be used as a part or all of the down payment or any other payment on a conditional sale contract or purchase order; provided that the conditional sale contract sets forth on its face the amount of the loan, the financing charge, the total thereof, the schedule of payments therefor, that the buyer may be required to pledge security for the loan, which security must be mutually agreed to by the buyer and the lender and notice to the buyer in at least eight-point type that he is obligated for the installment payments on both the conditional sales contract and the loan. The seller shall not provide any security or other guarantee of payment on such loan, nor shall such seller receive any commission or other remuneration for securing such loan for the buyer. Any such loan so obtained may be referenced on the contract as "proceeds of loan" or in any other similar language. If the buyer obligates himself to purchase, or receives possession of, the motor vehicle prior to securing such loan, and if the buyer upon appropriate application for such loan is unable to secure such loan, on the conditions stated in the conditional sale contract, such conditional sale contract or purchase order shall be deemed rescinded and all consideration thereupon shall be returned by the respective parties without demand.

(c) The proceeds of any such loan referred to in the contract shall be deemed a part of the downpayment and shall not be subject to a finance charge when obtained and paid to the seller within 30 days of the date of the contract.

SEC. 2. Section 2982.5 of the Civil Code, as added by Section 1 of this act, shall not be applicable to any action which is

pending on the effective date of this act; nor shall the passage of this act give rise to any inference that conduct to which it relates or authorizes was legal or illegal prior to the effective date of this act.

CHAPTER 980

An act to amend Sections 535, 24252, 24606, 24951, 25100, 25350, 25351, 26100, 26101, 26701, 26703, 27302, 27305, and 27314 of, to add Sections 24600, 24603, 24607, 24608, and 26705 to, and to repeal Sections 24600, 24602, 24603, 24607, 24608, 24609, 26705, 27300, 27301, 27303, and 27309 of, the Vehicle Code, relating to vehicles.

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

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

SECTION 1. Section 535 of the Vehicle Code is amended to read:

535. Safety glazing material is any glazing material so constructed, treated, or combined with other materials as to reduce, in comparison with ordinary sheet, plate, or float glass, the likelihood of injury to persons by glazing material whether it may be broken or unbroken, and which complies with regulations adopted pursuant to Section 2402.5 or is of a type approved by the Department of the California Highway Patrol.

SEC. 2. Section 24252 of the Vehicle Code is amended to read:

24252. (a) All lighting equipment of a required type installed on a vehicle shall at all times be maintained in good working order. Lamps shall be equipped with bulbs of the correct voltage rating corresponding to the nominal voltage at the lamp socket.

(b) The voltage at any tail, stop, license plate, side marker or clearance lamp socket on a vehicle shall not be less than 85 percent of the design voltage of the bulb. Voltage tests shall be conducted with the engine operating.

(c) Two or more lamp or reflector functions may be combined, provided each function required to be approved meets the specifications determined and published by the department.

(1) No turn signal lamp may be combined optically with a stoplamp unless the stoplamp is extinguished when the turn signal is flashing.

(2) No clearance lamp may be combined optically with any taillamp or identification lamp.

SEC. 3. Section 24600 of the Vehicle Code is repealed.

SEC. 4. Section 24600 is added to the Vehicle Code, to read:

24600. During darkness every motor vehicle operated singly and every vehicle at the end of a combination of vehicles shall

be equipped with lighted taillamps mounted on the rear as follows:

(a) Every such vehicle shall be equipped with one or more taillamps.

(b) Every such vehicle, other than a motorcycle, manufactured and first registered on or after January 1, 1958, shall be equipped with not less than two taillamps.

(c) Every such vehicle or vehicle at the end of a combination of vehicles, subject to subdivision (a) of Section 22406 shall be equipped with not less than two taillamps.

(d) When two taillamps are required, at least one shall be mounted at the left and one at the right side respectively at the same level.

(e) Taillamps shall be red in color and shall be plainly visible from all distances within 500 feet to the rear except that taillamps on vehicles manufactured after January 1, 1969, shall be plainly visible from all distances within 1,000 feet to the rear.

(f) Taillamps on vehicles manufactured on or after January 1, 1969, shall be mounted not lower than 15 inches nor higher than 72 inches.

SEC. 5. Section 24602 of the Vehicle Code is repealed.

SEC. 6. Section 24603 of the Vehicle Code is repealed.

SEC. 7. Section 24603 is added to the Vehicle Code, to read:

24603. Every motor vehicle operated singly and every vehicle at the end of a combination of vehicles shall at all times be equipped with stoplamps mounted on the rear as follows:

(a) Every such vehicle shall be equipped with one or more stoplamps.

(b) Every such vehicle, other than a motorcycle, manufactured and first registered on or after January 1, 1958, shall be equipped with two stoplamps.

(c) Stoplamps on vehicles manufactured on or after January 1, 1969, shall be mounted not lower than 15 inches or higher than 72 inches.

(d) Where two stoplamps are required, at least one shall be mounted at the left and one at the right side, respectively, at the same level.

(e) Stoplamps shall emit a red or amber light and shall be plainly visible and understandable from a distance of 300 feet to the rear both during normal sunlight and at nighttime, except that stoplamps on a vehicle of a size required to be equipped with clearance lamps shall be visible from a distance of 500 feet during such times.

(f) Stoplamps shall be actuated upon application of the service (foot) brake and the hand control head for air, vacuum, or electric brakes.

(g) Any vehicle may be equipped with supplemental stoplamps mounted to the rear of the rearmost portion of the driver's seat in its rearmost position in addition to the lamps required to be mounted on the rear of the vehicle. The supplemental stoplamp on that side of a vehicle toward which a

turn will be made may flash as part of the supplemental turn signal lamp.

SEC. 8. Section 24606 of the Vehicle Code is amended to read:

24606. (a) Every motor vehicle, other than a motorcycle, of a type subject to registration and manufactured on and after January 1, 1969, shall be equipped with one or more backup lamps either separately or in combination with another lamp. Any vehicle may be equipped with backup lamps.

(b) Backup lamps shall be so directed as to project a white light illuminating the highway to the rear of the vehicle for a distance not to exceed 75 feet. A backup lamp may project incidental red, amber, or white light through reflectors or lenses that are adjacent or close to, or a part of, the lamp assembly.

(c) Backup lamps shall not be lighted except when the vehicle is about to be or is backing or except in conjunction with a lighting system which activates the lights for a temporary period after the ignition system is turned off.

SEC. 9. Section 24607 of the Vehicle Code is repealed.

SEC. 10. Section 24607 is added to the Vehicle Code, to read:

24607. Every vehicle subject to registration under this code shall at all times be equipped with red reflectors mounted on the rear as follows:

(a) Every vehicle shall be equipped with at least one reflector so maintained as to be plainly visible at night from all distances within 350 to 100 feet from the vehicle when directly in front of the lawful upper headlamp beams.

(b) Every vehicle, other than a motorcycle, manufactured and first registered on or after January 1, 1965, shall be equipped with at least two reflectors meeting the visibility requirements of subdivision (a).

(c) Every motor truck having an unladen weight of more than 5,000 pounds, every trailer coach, every vehicle or vehicle at the end of a combination of vehicles subject to subdivision (a) of Section 22406 and every vehicle 80 or more inches in width manufactured on or after January 1, 1969, shall be equipped with at least two reflectors maintained so as to be plainly visible at night from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful upper headlamp beams.

(d) When more than one reflector is required, at least one shall be mounted at the left side and one at the right side respectively, at the same level. Reflectors shall be mounted not lower than 15 inches nor higher than 60 inches.

(e) Reflectors on truck tractors may be mounted on the rear of the cab. Any reflector installed on a vehicle as part of its original equipment prior to January 1, 1941, need not be of an approved type provided it meets the visibility requirements of subdivision (a).

SEC. 11. Section 24608 of the Vehicle Code is repealed.

SEC. 12. Section 24608 is added to the Vehicle Code, to read:

24608. (a) Motor trucks, trailers, semitrailers, and buses 80 or more inches in width manufactured on or after January 1, 1968, shall be equipped with an amber reflector on each side at the front and a red reflector on each side at the rear. Any vehicle may be so equipped.

(b) Motor trucks, trailers, semitrailers, and buses 80 or more inches in width and 30 or more feet in length manufactured on or after January 1, 1968, shall be equipped with an amber reflector mounted on each side at the approximate midpoint of the vehicle. Any such vehicle manufactured prior to January 1, 1968, may be so equipped.

(c) Reflectors on the sides of vehicles shall be mounted not lower than 15 inches nor higher than 60 inches.

(d) Reflectors required or permitted in subdivisions (a) and (b) shall be so maintained as to be plainly visible at night from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful upper headlamp beams

(e) Area reflectorizing material may be used in lieu of the reflectors required or permitted in subdivisions (a) and (b), provided each installation is of sufficient size to meet the photometric requirements for such reflectors.

SEC. 13. Section 24609 of the Vehicle Code is repealed.

SEC. 14. Section 24951 of the Vehicle Code is amended to read:

24951. (a) Any vehicle may be equipped with a lamp-type turn signal system capable of clearly indicating any intention to turn either to the right or to the left.

(b) The following vehicles shall be equipped with a lamp-type turn signal system meeting the requirements of this chapter.

(1) Motor trucks, truck tractors, buses and passenger vehicles, other than motorcycles, manufactured and first registered on or after January 1, 1958.

(2) Trailers and semitrailers manufactured and first registered between December 31, 1957, and January 1, 1969, having a gross weight of 6,000 pounds or more.

(3) Trailers and semitrailers 80 or more inches in width manufactured on or after January 1, 1969.

This requirement does not apply to special mobile equipment, or auxiliary dollies.

(c) Turn signal lamps on vehicles manufactured on or after January 1, 1969, shall be mounted not lower than 15 inches.

SEC. 15. Section 25100 of the Vehicle Code is amended to read:

25100. (a) Except as provided in subdivisions (b) and (d), every vehicle 80 inches or more in overall width shall be equipped during darkness as follows:

(1) At least one amber clearance lamp at each side on the front and at least one red clearance lamp at each side on the rear.

(2) At least one amber side-marker lamp on each side near the front and at least one red side-marker lamp on each side near the rear.

(3) At least one amber side-marker lamp on each side at or near the center on trailers and semitrailers 30 feet or more in length and which are manufactured and first registered after January 1, 1962. Any such vehicle manufactured and first registered prior to January 1, 1962, may be so equipped.

(4) At least one amber side-marker lamp mounted at approximate midpoint of multipurpose passenger vehicles, motor trucks and buses 30 or more feet in length and manufactured on or after January 1, 1969. Any such vehicle manufactured prior to January 1, 1969, may be so equipped.

(b) The following vehicles when 80 inches or more in overall width and not equipped as provided in subdivision (a) shall be equipped during darkness as follows:

(1) Truck tractors shall be equipped with at least one amber clearance lamp at each side on the front of the cab or sleeper and may be equipped with amber side-marker lamps on each side.

(2) Truck tractors manufactured on or after January 1, 1969, shall be equipped with one amber side-marker lamp on each side near the front.

(3) Pole or pipe dollies or logging dollies shall be equipped with at least one combination clearance and side-marker lamp on each side showing red to the front, side and rear.

(4) Vehicles, except truck tractors, which are 80 inches or more in width over a distance not exceeding three feet from front to rear shall be equipped with at least one amber combination clearance lamp and side-marker lamp on each side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one such red lamp if the projection is near the rear of the vehicle.

(5) Towing motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber clearance lamp at each side on the front and at least one amber side-marker lamp on each side near the front.

(6) Towed motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber side-marker lamp on each side of intermediate vehicles, and the rearmost vehicle shall be equipped with at least one red side-marker lamp on each side and at least one red clearance lamp at each side on the rear.

(7) Trailers and semitrailers designed for transporting single boats in a cradle-type mounting and for launching the boat from the rear of the trailer need not be equipped with front and rear clearance lamps provided amber clearance lamps showing to the front and red clearance lamps showing to the rear are located on each side at or near the midpoint between

the front and rear of the trailer to indicate the extreme width of the trailer.

(c) Loads extending beyond the side of a vehicle where the overall width of the vehicle and load is 80 inches or more shall be equipped with an amber combination clearance and side-marker lamp on the side at the front and a red combination clearance and side-marker lamp on the side at the rear. In lieu of the foregoing requirement, projecting loads not exceeding three feet from front to rear at the extreme width shall be equipped with at least one amber combination clearance and side-marker lamp on the side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one such red lamp if the projection is near the rear of the vehicle.

(d) Clearance and side-marker lamps are not required on auxiliary dollies or on passenger vehicles other than a housecar.

(e) Clearance lamps shall be visible from all distances between 500 feet and 50 feet to the front or rear of the vehicle, and side-marker lamps shall be visible from all distances between 500 feet and 50 feet to the side of the vehicle.

(f) Clearance lamps shall, so far as is practicable, be mounted to indicate the extreme width and height of the vehicle except that front clearance lamps on flatbed trucks may be mounted on the front of the bed if it extends beyond the side of the cab. Rear clearance lamps may be mounted at any height on vehicles equipped with rear identification lamps as provided in subdivision (b) of Section 25351 when the rear identification lamps are mounted at the extreme height. Side-marker lamps shall be mounted not lower than 15 inches on vehicles manufactured on and after January 1, 1968. Combination clearance and side-marker lamps required on loads shall be mounted so the lenses project to the outer extremity of the vehicle or load.

SEC. 16. Section 25350 of the Vehicle Code is amended to read:

25350. Any passenger common carrier motor vehicle manufactured prior to January 1, 1968, may be equipped with green identification lamps Any passenger common carrier motor vehicle may be equipped with an illuminated termini sign, an illuminated identification sign, or any combination thereof, which shall not project any glaring light. Any commercial vehicle, other than a passenger common carrier motor vehicle, may be equipped with an illuminated identification sign upon the front thereof which shall not exceed 24 inches in length or 8 inches in width and which emits diffused white light without glare.

SEC. 17. Section 25351 of the Vehicle Code is amended to read:

25351. (a) A commercial vehicle manufactured prior to January 1, 1968, may be equipped with not more than three lamps mounted in a row on the front or rear, which lamps shall

not exceed three inches in diameter, equipped with bulbs not in excess of six candlepower and exhibiting to the front either amber, green, or white light, or any combination thereof, and to the rear exhibiting red light. No part of any such lamps or their mountings on the front of a commercial motor vehicle shall extend below the top of the windshield.

(b) Vehicles 80 or more inches in width manufactured on or after January 1, 1968, may be equipped with identification lamps which shall comply with the following provisions:

(1) Motor trucks and buses when equipped with identification lamps shall have three amber lamps on the front above the top of the windshield, and three red lamps on the rear of the vehicle at any height.

(2) Truck tractors when equipped with identification lamps shall have three amber lamps on the front above the top of the windshield.

(3) Trailers and semitrailers when equipped with identification lamps shall have three red lamps on the rear of the vehicle at any height.

(4) Lamps shall be installed as close as practicable to the vertical centerline in a horizontal row with centers not less than 6 inches nor more than 12 inches apart.

SEC. 18. Section 26100 of the Vehicle Code is amended to read:

26100. No person shall sell or offer for sale for use upon or as part of the equipment of a vehicle, nor shall any person use upon a vehicle any signal device, lighting equipment, or other device requiring approval by this code unless of a type which has been submitted to and approved by the department or which complies with regulations adopted pursuant to Section 2402.5. This section does not apply to a taillamp or stoplamp in use on or prior to December 1, 1935.

SEC. 19. Section 26101 of the Vehicle Code is amended to read:

26101. No person shall sell or offer for sale for use upon or as part of the equipment of a vehicle, nor shall any person use upon a vehicle any device which is intended to modify the original design or performance of any signal device, lighting equipment, or other device requiring approval by this code unless of a type which has been submitted to and approved by the department or which complies with regulations adopted pursuant to Section 2402.5. This section does not apply to a taillamp or stoplamp in use on or prior to December 1, 1935.

SEC. 20. Section 26701 of the Vehicle Code is amended to read:

26701. (a) No person shall sell, offer for sale, or operate any motor vehicle, except a motorcycle, manufactured after January 1, 1936, unless it is equipped with safety glazing material, wherever glazing materials are used in partitions, doors, windows, windshields, or wind deflectors.

(b) No person shall sell or offer for sale any camper manufactured after January 1, 1968, nor shall any person operate a

motor vehicle registered in this state which is equipped with such a camper, unless the camper is equipped with safety glazing material wherever glazing materials are used in outside windows and doors.

(c) No person shall operate a motorcycle manufactured after January 1, 1969, equipped with a windshield containing glazing material unless it is safety glazing material.

(d) No person shall sell, offer for sale or operate any motor vehicle, equipped with red or amber glazing material in any partitions, windows, windshields, or wind deflectors.

SEC. 21. Section 26703 of the Vehicle Code is amended to read:

26703. (a) No person shall replace any glazing materials used in partitions, doors, or windows in any motor vehicle, or in the outside windows or doors of any camper, with any glazing material other than safety glazing material.

(b) No person shall replace any glazing material used in the windshield, rear window, wind deflectors or windows to the left and right of the driver with any material other than safety glazing material.

SEC. 21.5. Section 26705 of the Vehicle Code is repealed.

SEC. 21.6. Section 26705 is added to the Vehicle Code, to read:

26705. On or after January 1, 1969, no person shall sell or offer for sale for use upon or as part of the equipment of a motorcycle any motorcycle windshield unless the glazing material used therein is safety glazing material.

SEC. 22. Section 27300 of the Vehicle Code is repealed.

SEC. 23. Section 27301 of the Vehicle Code is repealed.

SEC. 24. Section 27302 of the Vehicle Code is amended to read:

27302. No person shall sell or offer for sale any seatbelt or attachments thereto for use in a vehicle unless it complies with regulations adopted pursuant to Section 2402.5 or is of a type approved by the department.

SEC. 25. Section 27303 of the Vehicle Code is repealed.

SEC. 26. Section 27305 of the Vehicle Code is amended to read:

27305. All publicly owned firefighting vehicles designed for and used in responding to emergency fire calls and in combating fires shall be equipped with seatbelts for each seat utilized by personnel when such vehicles are being operated. Such seatbelts shall either comply with regulations adopted pursuant to Section 2402 5 or be of a type approved by the department.

SEC. 27. Section 27309 of the Vehicle Code is repealed.

SEC. 28. Section 27314 of the Vehicle Code is amended to read:

27314. (a) No dealer shall sell or offer for sale any used passenger vehicle that was manufactured on or after January 1, 1962, other than a motorcycle, unless it is equipped with at least two seatbelts which are installed for the use of persons in the front seat of the vehicle.

(b) No dealer shall sell or offer for sale any used passenger vehicle manufactured on or after January 1, 1968, other than a motorcycle, unless it is equipped with seatbelts for each seating position.

(c) Seatbelts required in subdivisions (a) and (b) shall either comply with regulations adopted pursuant to Section 2402.5 or be of a type approved by the department.

(d) The requirements of this section shall not apply to sales to dealers, automobile dismantlers, or junk dealers.

SEC. 29. Section 535 of the Vehicle Code is amended to read:

535. Safety glazing material is any glazing material so constructed, treated, or combined with other materials as to reduce, in comparison with ordinary sheet, plate, or float glass, the likelihood of injury to persons by glazing material whether it may be broken or unbroken, and which complies with regulations adopted pursuant to Section 2402.5 and is of a type approved by the Department of the California Highway Patrol.

SEC. 30. Section 26100 of the Vehicle Code is amended to read:

26100. No person shall sell or offer for sale for use upon or as part of the equipment of a vehicle, nor shall any person use upon a vehicle any signal device, lighting equipment, or other device requiring approval by this code unless of a type which has been submitted to and approved by the department and which complies with regulations adopted pursuant to Section 2402.5. This section does not apply to taillamp or stop lamp in use on or prior to December 1, 1935.

SEC. 31. Section 26101 of the Vehicle Code is amended to read:

26101. No person shall sell or offer for sale for use upon or as part of the equipment of a vehicle, nor shall any person use upon a vehicle any device which is intended to modify the original design or performance of any signal device, lighting equipment, or other device requiring approval by this code unless of a type which has been submitted to and approved by the department and which complies with regulations adopted pursuant to Section 2402.5. This section does not apply to a taillamp or stop lamp in use on or prior to December 1, 1935.

SEC. 32. Section 27302 of the Vehicle Code is amended to read:

27302. No person shall sell or offer for sale any seatbelt or attachments thereto for use in a vehicle unless it complies with regulations adopted pursuant to Section 2402.5 and is of a type approved by the department.

SEC. 33. Section 27305 of the Vehicle Code is amended to read:

27305. All publicly owned firefighting vehicles designed for and used in responding to emergency fire calls and in combating fires shall be equipped with seatbelts for each seat utilized by personnel when such vehicles are being operated. Such

seatbelts shall comply with regulations adopted pursuant to Section 2402.5 and be of a type approved by the department.

SEC. 34. Section 27314 of the Vehicle Code is amended to read:

27314. (a) No dealer shall sell or offer for sale any used passenger vehicle that was manufactured on or after January 1, 1962, other than a motorcycle, unless it is equipped with at least two seatbelts which are installed for the use of persons in the front seat of the vehicle.

(b) No dealer shall sell or offer for sale any used passenger vehicle manufactured on or after January 1, 1968, other than a motorcycle, unless it is equipped with seatbelts for each seating position.

(c) Seatbelts required in subdivisions (a) and (b) shall comply with regulations adopted pursuant to Section 2402.5 and be of a type approved by the department.

(d) The requirements of this section shall not apply to sales to dealers, automobile dismantlers, or junk dealers.

SEC. 35. Sections 29 to 34, inclusive, of this act shall become operative only if Senate Bill 853 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Senate Bill 853 takes effect, at which time Sections 535, 26100, 26101, 27302, 27305, and 27314 of the Vehicle Code, as amended by Sections 1, 18, 19, 24, 26 and 28 of this act, are repealed.

CHAPTER 981

An act to amend Sections 6214, 6216.5, 6218, 6992, 7501, 7604, and 7706 of, to add Sections 6217, 6217.5, and 6217.6 to, and to repeal Sections 6217, 6306, 6505, 6816, and 6816.5 of, the Public Resources Code, and to amend Section 11915 of the Water Code, relating to revenues of the State Lands Commission.

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

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

SECTION 1. Section 6214 of the Public Resources Code is amended to read:

6214. Fees shall be charged and collected by the commission pursuant to its rules and regulations for the following:

(a) Certificates of purchase or duplicates thereof,

(b) Patents and certified copies of records thereof,

(c) For certifying a contested case to superior court,

(d) For certifying copies of papers,

(e) Such other fees as are allowed by law.

SEC. 2. Section 6216.5 of the Public Resources Code is amended to read:

6216.5. The commission may, with the consent of the San Francisco Port Authority, and under the circumstances pro-

vided for in Section 6872, enter into oil, gas, and mineral extraction leases of land under the jurisdiction of the San Francisco Port Authority in the same manner and to the same effect and upon the same terms, provisions and conditions of Part 2 (commencing with Section 6501) of Division 6 of this code as in the case of leases with reference to tide and submerged lands under the jurisdiction of the commission, except that notwithstanding the provisions of Section 6217 the proceeds of said leases shall be divided 50 percent to the San Francisco Harbor Improvement Fund and 50 percent to be distributed as provided in Section 6217.

SEC. 3. Section 6217 of the Public Resources Code is repealed.

SEC. 4. Section 6217 is added to the Public Resources Code, to read:

6217. With the exception of revenues derived from state school lands and from sources described in Sections 6217.6, 6301.5, 6301.6, 6855, and 8551 to 8558, inclusive, and Section 6406 (insofar as the proceeds are from property which has been distributed or escheated to the state in connection with unclaimed estates of deceased persons), the commission shall deposit in the State Treasury all revenues, moneys, and remittances received by it under Division 6 (commencing with Section 6001), and such sums shall be applied to the following obligations in the following order:

(a) To the General Fund such revenue as necessary to provide in any fiscal year for the following:

(1) Payment of refunds, authorized by the commission and approved by the State Board of Control, out of appropriations made for that purpose by the Legislature.

(2) Payment of expenditures of the commission as provided in the annual Budget Act approved by the Legislature.

(3) Payments to cities and counties of the amounts specified in Section 6817 for the purposes specified in that section, and the revenues so deposited are appropriated for such purpose.

(4) Payments to cities and counties of the amounts agreed to pursuant to the provisions of Section 6875.

(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.

All references in any law to Section 6816 shall be deemed to refer to this section.

SEC. 4.1. Section 6217.5 is added to the Public Resources Code, to read:

6217.5. All net revenues, moneys and remittances from the sale or use of school lands and lieu lands shall be deposited in the State Treasury to the credit of the General Fund.

SEC. 4.2. Section 6217.6 is added to the Public Resources Code, to read:

6217.6. All rental income received for surface uses including, but not limited to, surface drilling rights, upon lands under the jurisdiction of the State Lands Commission shall be deposited in the State Treasury to the credit of the General Fund, except income from state school lands as provided for in Section 6217.5 and royalties received from extraction of minerals on the surface of such lands as provided for in Section 6217.

SEC. 5. Section 6218 of the Public Resources Code is amended to read:

6218. The commission may charge and collect reasonable fees for services performed by it, not exceeding the actual cost to the state of such services. In any case where the commission, either pursuant to law or rule of the commission, requires the publication of advertisements for bids or the publication of any notice in connection with the sale or leasing of state lands, the commission may, by rule, require that the cost of such publication be advanced by any applicant or bidder and be paid by the successful applicant or bidder.

SEC. 6. Section 6306 of the Public Resources Code is repealed.

SEC. 6.1. Section 6505 of the Public Resources Code is repealed.

SEC. 7. Section 6816 of the Public Resources Code is repealed.

SEC. 8. Section 6816.5 of the Public Resources Code is repealed.

SEC. 9. Section 6992 of the Public Resources Code is amended to read:

6992. Leases for any such lands and for the privilege of taking minerals from the waters of streams and lakes may be issued by the commission by competitive bidding to the highest responsible bidder, under general regulations adopted by the commission.

SEC. 10. Section 7501 of the Public Resources Code is amended to read:

7501. Swamp and overflowed lands belonging to the state may be sold by the commission under rules and regulations prescribed by it and at a price fixed by it, payment to be made in cash to the commission. This section shall not affect the sale of swamp and overflowed lands under any application filed with the commission prior to September 19, 1939.

SEC. 11. Section 7604 of the Public Resources Code is amended to read:

7604. The lands designated in this chapter shall be sold at the price fixed by the commission.

SEC. 12. Section 7706 of the Public Resources Code is amended to read:

7706. Each application for lands shall be accompanied by a fee of five dollars ($5), and no application shall be filed, or noted in any way until the fee is paid.

SEC. 12.5. Section 7706 of the Public Resources Code 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.

SEC. 13. 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 6217 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 14. Section 12.5 of this act shall become operative only if the amendment of Section 7706 of the Public Resources Code as proposed by Senate Bill No. 505 is enacted by the

Legislature at its 1968 Regular Session, and in such case at the same time as Senate Bill No. 505 takes effect; at which time Section 7706 of the Public Resources Code as amended by Section 12 of this act is repealed.

CHAPTER 982

An act to amend Section 14056 of the Welfare and Institutions Code, relating to medical assistance.

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

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

SECTION 1. Section 14056 of the Welfare and Institutions Code is amended to read:

14056. "Minimum coverage" means prescribed drugs for public assistance recipients as established by the Administrator of the Health and Welfare Agency, and care or coverage specified in paragraphs (1), (2), (3), (4), and (5) of Section 14053.

CHAPTER 983

An act to amend Sections 660, 661, 662, and 667 of the Public Resources Code, relating to the State Mining and Geology Board.

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

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

SECTION 1. 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 seven 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. 2. Section 661 of the Public Resources Code is amended to read:

661. Members of the board shall be selected from citizens of this state associated with or having broad knowledge of the mineral industries of this state, of its geologic resources, or of related technical and scientific fields, to the end that the functions of the board as specified in Section 667 are conducted in the best interests of the state. Among the seven members, at least one should be a mining geologist, mining engineer, or mineral economist, and at least one should be a structural engineer or engineering seismologist.

SEC. 3. Section 662 of the Public Resources Code is amended to read:

662. The terms of the members of the board in office when this article takes effect in 1965 shall expire as follows: one member January 15, 1966; two members January 15, 1967; and two members January 15, 1968. The terms shall expire in the same relative order as to each member as the term for which he holds office before this article takes effect. The terms of the two additional members first appointed pursuant to the amendment of this section at the 1968 Regular Session of the Legislature shall commence on January 15, 1969.

SEC. 4. 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, and information pertaining to earthquake and other geologic hazards. It may establish policies conforming to the provisions of state statutes to govern the administration of the Division of Mines and Geology.

CHAPTER 984

An act to repeal Section 1803.9 of the Civil Code, relating to retail installment sales.

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

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

SECTION 1. Section 1803.9 of the Civil Code is repealed.

CHAPTER 985

An act to amend Section 16430 of the Government Code, relating to investment of state funds.

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

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

SECTION 1. Section 16430 of the Government Code is amended to read:

16430. Eligible securities for the investment of surplus moneys shall be:

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the

United States are pledged for the payment of principal and interest.

(b) Bonds of this state, or those for which the faith and credit of this state are pledged for the payment of principal and interest.

(c) Bonds of any county, city, metropolitan water district, municipal utility district, or school district of this state.

(d) 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, in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, in stock, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act as amended, and in the bonds of any federal home loan bank established under said act, and in bonds, notes, and other obligations issued by the Tennessee Valley Authority under the Tennessee Valley Authority Act as amended.

(e) Commercial paper of "prime" quality as defined by a nationally recognized organization which rates such securities. Eligible paper is further limited to issuing corporations: (1) organized and operating within the United States; (2) having total assets in excess of five hundred million dollars ($500,000,000); and (3) approved by the Pooled Money Investment Board. Purchases of eligible commercial paper may not exceed 90 days' maturity, represent more than 10 percent of the outstanding paper of an issuing corporation, nor exceed 15 percent of the resources of an investment program. At the request of the Pooled Money Investment Board, such investment shall be secured by the issuer by depositing with the Treasurer securities authorized by Section 53651 of a market value at least 10 percent in excess of the amount of the state's investment.

CHAPTER 986

An act to amend Sections 4532, 5614.1, 5879.1, 5895, 5895.1, 6463, 8650, 10602, 31675, and 35505 of the Streets and Highways Code, relating to the interest rate on special assessment district bonds, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 4532 of the Streets and Highways Code is amended to read:

4532. The notice prescribed to be given for the hearing on the confirmation of the assessment roll shall contain a statement that the question of the issuance of bonds under this part will be determined at that hearing.

The resolution:

(a) Shall contain a notice that a bond will issue to represent the unpaid balance of each assessment which balance is twenty-five dollars ($25) or over, remaining unpaid 30 days after the date of the recordation of the assessment.

(b) Shall recite the term of the bonds and also the rate of interest the bonds shall bear which rate shall not exceed 7 percent per annum.

(c) May recite a maximum rate of interest, not to exceed 7 percent per annum, to be paid on such indebtedness, which rate when so recited shall not be exceeded in the issuance of such bonds.

The maximum interest which bonds issued in place of bonds previously issued under this part shall bear, is 7 percent per annum.

SEC. 2. Section 5614.1 of the Streets and Highways Code is amended to read:

5614.1. The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice to repair shall specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed six years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent a year, payable semiannually.

SEC. 3. Section 5879.1 of the Streets and Highways Code is amended to read:

5879.1. The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice shall also specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed 10 years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed 7 percent a year, payable semiannually.

SEC. 4. Section 5895 of the Streets and Highways Code is amended to read:

5895. The legislative body shall have the power, in its discretion, to determine that the payment of such assessments of fifty dollars ($50) or more may be made in annual installments, in any event not to exceed 10, and that the payment of assessments so deferred shall bear interest on the unpaid balance at a rate to be determined by the legislative body, not to exceed 7 percent per annum. Said interest shall begin to run on the 31st day after the confirmation of the assessments by the legislative body. All such determinations may be ex-

pressed by resolution of the legislative body at any time prior to the confirmation of the assessments.

SEC. 5. Section 5895.1 of the Streets and Highways Code is amended to read:

5895.1. If bonds are to be issued to represent the security of the unpaid assessments, upon confirmation of the report by the legislative body the superintendent of streets shall give notice to pay by mail and by publication substantially in the manner provided by Sections 4320 and 4321. The period for payment in cash stated therein shall be 30 days following the confirmation of the report. Upon completion of such cash payment period, the superintendent of streets shall file with the county recorder a certificate substantially in the form set out in Section 5891, giving notice therein that interest is payable at a rate to be fixed upon the sale of bonds, which rate shall not exceed 7 percent per annum. Thereafter the provisions of Part 5 of this division shall be applicable and payments on assessments at bond shall be made as therein provided. Such bonds may be issued and sold as the legislative body directs and may be dated at any time after the expiration of the cash payment period.

SEC. 6. Section 6463 of the Streets and Highways Code is amended to read:

6463. The interest shall be payable semiannually, by coupon, on the second days of January and July, respectively, of each year after the date of the bonds. The bonds shall bear the date of the 31st day after the date of recordation of the warrant, whether or not said date falls on a Sunday or holiday. The first interest coupon shall be for interest from the date of the bonds and shall be payable to the holder thereof on the January 2nd next succeeding the September 1st or the July 2nd next succeeding the March 1st, as the case may be, next following the date of the bond. The rate of interest shall not exceed 7 percent per annum on all sums unpaid.

SEC. 6.5. Section 8650 of the Streets and Highways Code is amended to read:

8650. The bonds shall be issued in series and an even annual proportion of the aggregate principal sum thereof shall be payable on the second day of July every year succeeding the first 10 months after their date, until the whole is paid. The bonds shall bear interest at a rate not in excess of 7 percent per annum from the 31st day after recording the assessment, or from their date if the work was done under the Municipal Improvement Act of 1913, on all sums unpaid, until the whole of the principal sum and interest are paid. However, bonds issued in place of bonds issued prior to August 27, 1937, may bear interest at a rate not exceeding 8 percent per annum on all sums unpaid.

Interest shall be payable semiannually by coupon, on the second day of January and July, respectively, of each year.

The first payment of interest shall not become due until six months before the maturity of the first series of bonds.

SEC. 7. Section 10602 of the Streets and Highways Code is amended to read:

10602. The bonds may be issued and sold as the legislative body directs. The proceeds of the bonds shall be deposited in the fund specified in Section 10424. The notice in the resolution of intention shall recite a maximum rate of interest to be paid on the indebtedness, not to exceed 7 percent a year payable semiannually, which rate shall not be exceeded in the issuance of the bonds. All bonds shall be made payable to bearer.

SEC. 8. Section 31675 of the Streets and Highways Code is amended to read:

31675. The bonds may be sold at any rate of interest not exceeding that stated in the ordinance of intention. The maximum interest rate shall not exceed 7 percent a year.

SEC. 9. Section 35505 of the Streets and Highways Code is amended to read:

35505. The bonds may be sold at any rate of interest not exceeding that stated in the resolution of intention. The maximum interest rate shall not exceed 7 percent a year.

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:

There is a great need for financing of badly needed public improvements, and the increase in the maximum interest rate on improvement bonds authorized by this act is necessary at the earliest possible time in order to provide such financing and to make these bonds more competitive on the market with other types of financing and to do away with the large discount of bond prices which is presently resulting.

CHAPTER 987

An act to add Chapter 6 (commencing with Section 19250) to Division 14 of the Education Code, and to provide for meeting the building needs of the state for the public schools and for public higher education by the adoption of a construction program therefor, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California, and by providing for the handling and disposition of said funds, making an appropriation therefor, and providing for the submission of the measure to the people at a special election to be consolidated with the 1968 general election.

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

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

SECTION 1. This act shall be known and may be cited as the State Higher Education and Urban School Construction Program Bond Act of 1968.

SEC. 2. The purpose of this act is to provide the necessary funds to meet the major building construction, equipment and site acquisition needs of the state for purposes of the University of California and the California State Colleges, and to provide necessary funds for the reconstruction and replacement of substandard buildings in school districts maintaining public elementary and secondary schools in urban areas, pursuant to the Urban School Construction Aid Law of 1968.

Proceeds of the bonds authorized to be issued under this act shall be made available for the reconstruction and replacement of substandard buildings in school districts maintaining public elementary and secondary schools in urban areas, pursuant to the Urban School Construction Aid Law of 1968 and in accordance with the provisions of Section 10.5 of this act.

Subject to the provisions of Section 10.5 of this act, proceeds of the bonds authorized to be issued under this act, in an amount or amounts which the Legislature shall determine, shall be used for site acquisitions for new institutions of public higher education which institutions are approved or authorized by the Legislature subsequent to the adoption of this act by the people.

SEC. 3. Bonds in the total amount of two hundred fifty million dollars ($250,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in Section 2 of this act, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Government Code Section 16724.5. Said bonds shall be known and designated as State Higher Education and Urban School Construction Program bonds and, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

SEC. 4. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

SEC. 5. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the

provisions of this act, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 8 of this act, which sum is appropriated without regard to fiscal years.

SEC. 6. Proceeds of the bonds, in amount not to exceed two hundred million dollars ($200,000,000), issued and sold pursuant to this act, together with interest earned thereon, if any, shall be deposited in the State Construction Program Fund. The money so deposited in the fund shall be reserved and allocated solely for expenditure for the major building construction, equipment, and site acquisition needs of the state for purposes of the University of California and the California State Colleges, and only pursuant to appropriation by the Legislature in the manner hereinafter prescribed.

SEC. 7. A section shall be included in the Budget Bill for each fiscal year bearing the caption State Higher Education Construction Bond Act Program. Said section shall contain proposed appropriations only for the major building construction, equipment, and site acquisition needs of the state for purposes of the University of California and the California State Colleges, and no funds derived from the bonds authorized and issued for such purposes may be expended pursuant to an appropriation not contained in said section of the Budget Act. The Department of Finance, which is hereby designated as the board for the purposes of this act, shall annually total the Budget Act appropriations referred to in this section and, pursuant to Section 16730 of the Government Code, request the State Construction Program Committee to cause bonds to be issued and sold in quantities sufficient to carry out the projects for which such appropriations were made.

SEC. 8. For the purposes of carrying out the provisions of this act the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this act. Any amounts withdrawn shall be deposited in the State Construction Program Fund, or in the Urban School Construction Aid Fund, and shall be reserved, allocated for expenditure, and expended as specified in Section 6 or Section 10.5 of this act. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this act, together with interest at the rate of interest fixed in the bonds so sold.

SEC. 9. The bonds authorized by this act shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 of Part 3, Division 4, Title 2 of the Government Code), and all of the provisions of said law are applicable to said bonds and to this

act, and are hereby incorporated in this act as though set forth in full herein.

SEC. 10. The State Construction Program Committee is hereby created. The committee shall consist of the Governor, the State Controller, the State Treasurer, the Director of Finance, and the Director of the Coordinating Council for Higher Education. For the purpose of this act the State Construction Program Committee shall be "the committee" as that term is used in the State General Obligation Bond Law.

SEC. 10.5. Proceeds of the bonds, in an amount not to exceed fifty million dollars ($50,000,000), issued and sold pursuant to this act, together with interest earned thereon, if any, shall be deposited in the State Urban School Construction Aid Fund. The money so deposited shall be reserved and allocated for expenditure pursuant to the Urban School Construction Aid Law of 1968.

Upon request of the State Allocation Board, the State Construction Program Committee shall cause bonds to be issued and sold in quantities sufficient to carry out such purposes.

SEC. 11. Sections 1 to 10.5, inclusive, of this act shall take effect upon the adoption by the people of the State Higher Education and Urban School Construction Program Bond Act of 1968, as set forth in Sections 1 to 10.5, inclusive, of this act. Sections 11 to 18 of this act contain provisions relating to and necessary for the submission of the State Higher Education and Urban School Construction Program Bond Act of 1968 to the people and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 12. A special election is hereby called to be held throughout the state on the fifth day of November, 1968. The special election shall be consolidated with the general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act, and only one form of ballot and ballot pamphlet shall be used. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 13. At the special election called by this act there shall be submitted to the electors Sections 1 to 10.5, inclusive, of this act.

SEC. 14. Upon the effective date of this section, the author of the measure submitted pursuant to this act and two members of the other house who voted with the majority on the measure, shall be appointed by the presiding officers of the respective houses to draft the arguments for the adoption of the measure. If the measure is not adopted unanimously by the house in which it originated, one member of the house in which it originated, who voted against it, shall be appointed

by the presiding officer of that house to write an argument against it. If there are no negative votes on the measure in the house in which it originated, the presiding officer of that house shall appoint some qualified person to draft an argument against it. Each argument shall consist of not more than 500 words and shall be submitted to the Secretary of State on or before the fifth day after this section takes effect.

SEC. 15. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act.

SEC. 16. All ballots at said election shall have printed thereon in boldface type and in a square thereof, the words: "For bonds to provide state college, university, and urban school facilities." In the square immediately below the square containing such words there shall be printed on said ballot in boldface type the words: "Against bonds to provide state college, university, and urban school facilities." In each square containing the language specified above, immediately below that language and enclosed in parentheses, there shall be printed, in 8-point type, the words: "This act provides for a bond issue of two hundred fifty million dollars ($250,000,000)." Opposite the words: "For bonds to provide state college, university, and urban school facilities," and the language immediately following such statement, and "Against bonds to provide state college, university, and urban school facilities," and the language immediately following such statement, there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act. Those voting for said bonds shall do so by placing a cross opposite the words: "For bonds to provide state college, university, and urban school facilities," and those voting against said bonds shall do so by placing a cross opposite the words: "Against bonds to provide state college, university, and urban school facilities"; provided that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, the use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The measures shall appear on the ballot and in the ballot pamphlets in substantially the following form:

FOR BONDS TO PROVIDE STATE COLLEGE, UNIVERSITY, AND URBAN SCHOOL FACILITIES. (This act provides for a bond issue of two hundred fifty million dollars ($250,000,000).)	
AGAINST BONDS TO PROVIDE STATE COLLEGE, UNIVERSITY, AND URBAN SCHOOL FACILITIES. (This act provides for a bond issue of two hundred fifty million dollars ($250,000,000).)	

The Governor of this state shall include the submission of the measure to the people, as aforesaid, in his proclamation calling for said election.

SEC. 17. If it appears that the measure shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against the measure then the same shall be and become void.

SEC. 18. Upon the effective date of this section the Secretary of State shall request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code.

SEC. 18.5. Chapter 6 (commencing with Section 19250) is added to Division 14 of the Education Code, to read:

CHAPTER 6. URBAN SCHOOL CONSTRUCTION AID LAW OF 1968

Article 1. General Provisions

19250. This chapter may be cited as the "Urban School Construction Aid Law of 1968."

19251. The Legislature hereby declares that it is in the interest of the state and of the people thereof for the state to aid urban school districts of the state in reconstructing, modernizing, or replacing school sites and buildings for pupils of the public school system who are now housed in substandard schools constructed prior to 1943.

19252. 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) "Project" means the purpose or purposes for which a school district has applied for an apportionment or apportionments.

(d) "Apportionment" means an apportionment made under this chapter unless the context otherwise requires.

(e) "Urban district" means any school district, the boundaries of which are substantially identical to or which encompass the boundaries of a city having a population in 1960 of not less than 50,000 persons.

19253. The Director of General Services shall administer this chapter and shall provide such assistance to the board as it may require.

19254. The State Allocation Board is continued in existence for the purposes of this chapter. The members of the board and the Members of the Legislature meeting with the board shall receive no compensation for their services under this chapter but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties hereunder, to be paid out of the Urban School Construction Aid Fund.

19255. The board by the adoption of rules shall give priority in allocating funds to urban districts to such districts where the children will benefit most from schoolhouse facilities. This priority shall be based upon the age of existing buildings and the acuteness of overcrowding at the school or schools where the construction or reconstruction will occur, the density of population in the attendance areas affected, or such other factors which will insure that the greatest need will be served.

19256. In addition to such other powers and duties as are granted the board by this chapter, the board shall:

(a) Establish such qualifications not in conflict with other provisions of this chapter as it deems will best serve the purposes of this chapter for determining the eligibility of school districts to apportionments of funds under this chapter.

(b) Establish such procedures and policies in connection with the administration of, and the expenditure of funds made available for the purpose of, this chapter as it deems necessary.

(c) Adopt such rules and regulations for the administration of this chapter, requiring such procedure, forms, and information, as it may deem necessary.

19257. The board shall prescribe instructions specifying the manner in which property, real or personal, being replaced through the apportionment, shall be disposed of, and compliance with the instructions shall be a condition upon the making of the apportionment. The net proceeds derived from such a disposition shall be contributed in reduction of any apportionment. Any school district affected shall comply with instructions prescribed by the board. The board may require a district to transfer to the state, by any instruments deemed appropriate by the board, title to any such property, whereupon, the board shall dispose of the property in any manner it deems

appropriate to insure the highest return to the state, and apply the proceeds therefrom in reduction of apportionments to the district. The district affected shall do all things deemed necessary by the board to implement such disposition.

19258. The Urban School Construction Aid Fund is hereby created in the State Treasury. Apportionments from the fund shall be limited to urban districts and shall be made for the sole purpose of reconstructing or replacing existing substandard buildings constructed prior to 1943. Such apportionments shall be made in the manner and subject to the conditions herein provided and in accordance with policies adopted by the board for the following purposes:

(1) The acquisition, by purchase or lease, and the installation and equipping portable classrooms for instructional purposes.

(2) The acquisition and development of school sites.

(3) The construction and equipping of permanent school buildings and facilities.

(4) The reconstruction, renovation, or remodeling of existing school buildings and facilities.

(5) Any combination of the above.

As a part of such purposes, where a district is required by a contract entered into between itself and a contractor, to obtain at its own expense insurance covering risks incurred during any construction, reconstruction or alteration for which an apportionment has been made, the cost thereof may be paid either directly, or by way of reimbursement, to said district out of said apportionment, or out of any apportionment made specifically covering such insurance; provided, that in other respects said apportionments are eligible for payment under provisions of this chapter.

A leasehold or use permit interest held by a school district in land owned in fee simple by the government of the United States may, for all purposes of this chapter, be deemed a purchase of land by the district and to vest title and ownership in the district.

19259. The board shall not make any apportionment with respect to an application for replacing inadequate school facilities unless it has first investigated and made a finding that it would not be economical or good practice to rehabilitate said facilities.

19260. In addition to the purposes for which apportionments may be made to school districts under Section 19258, apportionments may also be made to school districts for the construction, repair, attachment or development of off-site facilities, utilities or improvements which the board determines are necessary to the proper operation or functioning of the school facilities for which apportionments are made, all of which purposes are hereby declared to be, and are, public works.

19261. In making applications for, and in expending apportionments of funds under this chapter, a school district

acts as an agent of the state and all sites purchased and improved, all equipment purchased, and all buildings constructed, reconstructed, altered, or added to through the expenditure of funds apportioned under this chapter, are declared to be, and are, the property of the state.

The Director of General Services shall file with the county recorder of the county in which any site purchased or improved through the expenditure of funds apportioned under this chapter is located a certificate, properly acknowledged, indicating the state's interest in real property of the district by virtue of this section, without the necessity of particularizing such real property. The recorder shall record and index the certificate in the same manner as abstracts of judgments and the certificate shall constitute constructive notice of the state's interest in the particular real property affected. Such certificate shall as to any party thereafter acquiring real property or any interest therein in the county from said school district have the same force, effect and priority as if it had been a judgment lien imposed upon real property which was not exempt from execution. Such effect shall commence upon recordation and continue until the certificate is discharged or released as provided herein.

Upon request the Director of General Services shall (1) issue a release of the state's interest in any real property or a portion thereof that the district has been authorized by the board to dispose of under this chapter, provided that delivery of such release may be subject to such conditions as may be prescribed by the board to protect the state's interest; (2) issue a disclaimer of the state's interest in any real property or a portion thereof of the district, the disposition of which the board is not required to consent to under this chapter, provided that the delivery of such disclaimer may be subject to such conditions as the board deems appropriate to protect the interests of the state, including conditions relating to the amount of consideration to be received from such disposition where the board asserts an interest in the proceeds of such disposition under other provisions of this chapter. Such release or disclaimer shall conclusively protect any third party relying upon the same and shall be acknowledged to permit recordation by the county recorder.

Upon payment by the district of all amounts required to be paid by it or on its behalf to the state under this chapter (1) the Director of General Services shall file with the recorder a release of any such certificate which release shall be recorded and indexed in the same index as said certificate; and (2) the title to personal property purchased by such school district with funds apportioned under this chapter shall revert thereto without further action by the state.

19262. A school district shall not expend money apportioned under this chapter unless the contracts under which the funds are expended have been let after competitive bids thereafter pursuant to this code.

19263. Each school district which desires an apportionment shall submit through its governing board to the board an application therefor in such form and number of copies as the board shall prescribe. Each copy of the application shall be accompanied by a statement of the estimated cost of the project certified by an architect or structural engineer, and by layout plans showing the entire construction project for which the district desires an apportionment.

Estimates of costs for new construction or equipment appearing in an application shall not exceed typical current costs of comparable new construction or equipment by school districts in the same area not receiving an apportionment under this chapter, as determined by the Director of General Services, or if there has been no new construction by school districts in the area, the estimates of costs shall not exceed the reasonable current cost of similar construction or equipment in the area as determined by the Director of General Services.

A school district may at any time file an application or amend or supplement an application. Upon receipt of any application, the Director of General Services shall as promptly as possible prepare a report and recommendation with respect to the application after having received recommendations from the director in respect to any matter which is subject to the jurisdiction or approval of the Director or Department of Education. The board shall, subject to the provisions of this chapter, approve, in whole or in part, or reject each application referred to it by the Director of General Services. If the board approves of the application, either in whole or in part, it shall, by a resolution adopted by it, apportion to the district from the Urban School Construction Aid Fund the amount applied for, or such portion thereof as the board may determine appropriate; provided, that it may order that the apportionment or any part thereof shall be paid in progressive installments at such times and under such conditions as it may then prescribe.

19264. The board may approve, in whole or in part, an application submitted by a school district under Section 19263 and in such amount, not exceeding the amount applied for, as the board may deem appropriate.

The board may, upon approval of the application, in whole or in part, and subsequently from time to time, make a conditional apportionment or conditional apportionments not exceeding in the aggregate the total amount approved in the application of the district by the board to the applicant school district from the Urban School Construction Aid Fund for such portion or portions of the project as the board determines the district is ready to proceed with. If the board has approved an application and made an apportionment as to a portion or portions of a project, the board may approve the remaining portion or portions of the project and make an additional apportionment or apportionments as it deems appropriate.

If the board determines that the actual cost is in excess of the estimated cost of the specific school plant facilities or sites for which an apportionment to a district has been made, or for which a district's application has been approved in whole or in part pursuant to this section, the board may make an additional apportionment to such district in an amount equal to such excess even though such additional apportionment will result in the total apportionments to the district exceeding the amount of the application originally approved by the board.

Approval of an application under this section shall not be construed as creating or implying any obligation, commitment or promise on the part of the board or the state to make apportionments under this chapter.

19265. No apportionment shall be made for new construction, the area of which exceeds the area of the unsafe buildings being replaced under Section 19258. The area of school buildings shall be computed in a uniform manner as prescribed by the board.

19266. Payment shall be made in accordance with the terms of an apportionment, either directly or by way of reimbursement, to a school district for expenditures, or commitments therefor, which have been made by the district subsequent to the effective date of this chapter for any items approved by the board in such apportionment; provided, however, that where expenditures were made for, or work was commenced with respect to, any item so approved, prior to the time the application of such district containing such item was received by the board, payment or reimbursement for such item, either with state funds or with district funds which the district is required to contribute by said apportionment, shall be made only upon authorization of the board by special resolution citing this section.

19267. Notwithstanding any provision to the contrary, the board, with the approval of the Director of General Services, shall, pursuant to this section, fix the rate of interest to be paid by the districts on the sums apportioned during that fiscal year. Beginning each fiscal year the board shall compute the average of the rates of interest which the state pays upon the state school reconstruction and replacement bonds, sold at the three sales of state school reconstruction and replacement bonds occurring immediately prior to that fiscal year, or, if the board so determines, at all of the sales of such bonds occurring in the two years immediately prior thereto, giving effect to the price at which the state school reconstruction and replacement bonds sold at such sales, and the premium, if any paid, thereon. If an apportionment is made prior to the sale of state school reconstruction and replacement bonds, the board shall use the computed average rate of interest which the state paid on the last sale of state school building bonds. Such average rate shall be adjusted to the next highest one-tenth of 1 percent to cover the cost of sale and issuance of the bonds and

costs of administration. Such adjusted average rate shall be the rate paid by districts on apportionments received during that fiscal year, and shall be compounded annually through the 30th day of June of each year.

19268. Apportionments may be made irrespective of whether there is on deposit at the time thereof a sufficient amount in the Urban School Construction Aid Fund to permit the payment of such apportionments. Disbursements may be made under any apportionment from any funds in the Urban School Construction Aid Fund irrespective of whether there exists at the time of such disbursement a sufficient amount in such fund to permit the payment in full of all apportionments previously made; provided, that no disbursements shall be made from any funds in the Urban School Construction Aid Fund required by law to be transferred to the General Fund, or from any moneys therein which the Controller deems necessary to satisfy appropriations from such fund for purposes other than apportionments.

19269. No apportionment shall be made to a district for the construction, reconstruction, or alteration of, or addition to, school buildings if the requirements prescribed by this code for the construction of school buildings are not met by the plans for the entire building program of the district in connection with which the district applied for an apportionment.

19270. Each district to which an apportionment or apportionments has been made under this chapter shall repay one-half of the principal amount of such apportionment or apportionments and the accrued interest thereon in 30 equal annual payments. If more than one apportionment is made the annual amount payable shall be the sum of the amounts which would be payable on each apportionment if computed separately.

The State Controller shall make the computation to determine the annual repayment due in the next fiscal year following the fiscal year in which the apportionment is made. In any year in which the annual repayment exceeds the amount which may be raised by a three-cent ($0.03) tax rate per one hundred dollars ($100) of assessed valuation in the district, the governing board of the school district shall so certify to the State Controller whereupon the State Controller shall grant a deferment of the annual repayment which is in excess of the amount that would be produced by a tax rate of three cents ($0.03) per one hundred dollars ($100) of assessed valuation of the district. The amount deferred shall be added to the annual repayment for the next succeeding fiscal year.

19271. The State Controller shall, during the next fiscal year following that in which he determines the annual repayment as herein provided, deduct the total amount of the annual repayment of each district in equal amounts from each of the February, March, April, and May installments of the apportionments made to such district from the State School Fund under Sections 11256, 11257, and 17251, Sec-

tions 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect; and, on order of the State Controller, the amount so deducted shall be transferred to the Urban School Construction Aid Fund. All money transferred to the Urban School Construction Aid Fund under the provisions of this section shall be available only for transfer to the General Fund.

19272. The State Controller shall determine and maintain a record of the amount due the state in connection with each apportionment made to a district under the provisions of this chapter. He shall compute interest, at the rate fixed by the board, on each amount disbursed by the state pursuant to any such apportionment, from the date of issuance of the State Controller's warrant covering the payment to the county treasurer of such amount until the first day of July of the fiscal year next succeeding that in which such warrant was issued. Thereafter, interest shall accrue to and be compounded as a part of the principal amount due the state pursuant to such apportionment, through the 30th day of the following June of each year, until the principal and interest have been paid.

19273. Upon computing in any fiscal year the amount to be deducted from the apportionments to the district from the State School Fund during the succeeding fiscal year, the State Controller shall notify the governing board of the district and the county auditor of the county, the county superintendent of which has jurisdiction over the district, of the amount to be deducted.

19274. Except as otherwise provided in Section 1822, the board of supervisors of the county, the county superintendent of which has jurisdiction over any district which under this chapter will have moneys withheld by the State Controller from the apportionments to be made to it from the State School Fund during any fiscal year, shall annually at the time the board of supervisors makes the levy of taxes for county purposes, levy a tax 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 in which the tax is levied. Such tax, when collected, shall be paid into the county treasury of the county, the county superintendent of schools of which has jurisdiction over the district for which the tax was levied, to the credit of the general fund of the district.

19275. The board shall prescribe in such detail as it deems necessary, the purposes for which moneys apportioned by it or which it requires the district to contribute toward, or in reduction of the cost of a project, may be expended, and such prescription shall be binding upon the governing board of the district, save as it may be changed or modified by the board for such cause as it sees fit.

19276. An urban school construction fund is hereby created in the county treasury in each county for each school district in such county. The county treasurer of each county

shall pay into the urban school construction fund of each school district, exactly as apportioned by the board, all moneys received by him under this chapter with respect to each such school district.

19277. Interest earned on those portions of deposits in an urban school construction fund representing allocations from the proceeds of state school reconstruction and replacement bonds received by the county treasurer for the benefit of a school district under this chapter shall be paid into the urban school construction fund created by Section 19278.

19278. A fund in the State Treasury is hereby created, to be known as the Urban School Construction Aid Fund. All money in the Urban School Construction Aid Fund, including any money deposited in said fund from any source whatsoever is hereby continuously appropriated without regard to fiscal years for expenditure pursuant to apportionments made under the provisions of this chapter.

19279. The governing board of each school district to which an apportionment has been made under this chapter shall expend the moneys in the urban school construction fund of the school district exactly as apportioned by the board and only for the purposes for which said moneys were apportioned to the district, and for no other purpose, and shall make such reports relating to the expenditure of such moneys as the board and the State Controller shall require.

19280. A complete detailed report of expenditure of funds allocated pursuant to this chapter shall be made by the board annually to the Legislature. The report shall contain a detailed statement of facilities provided, type of construction, square footage provided and all other items which will enable the Legislature fully to understand the nature of the construction performed by the school districts.

19281. It shall be the duty of the State Controller to make such audit or audits of the books and records of counties and school districts receiving apportionments under this chapter, as he may deem necessary from time to time, for the purpose of determining that the money received by school districts as apportionments hereunder has been expended for the purposes and under the conditions authorized by this chapter.

19282. Whenever the State Controller determines that any money apportioned to a school district has been expended by such school district for purposes not authorized by this chapter, or exceeds the final cost of the project which is authorized by this chapter to be paid therefrom, the State Controller shall furnish written notice to the board, the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice,

such governing board shall order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the Urban School Construction Aid Fund, to be reapportioned by the board.

It shall be the duty of such governing body and the county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the state.

If the district fails to make the payment specified within one year after written notice of the amount due, the State Controller shall deduct the amount thereof with interest from date of the notice from the February payment made to the district under the provisions of Section 17352 in the next succeeding fiscal year.

19283. (a) As used in this chapter:

(1) "State-aided district" means a district to which an apportionment has been made under this chapter.

(2) "Acquiring district" means a district in which all or a part of, a state-aided district or an applicant district has been included.

(3) "Original district" means a state-aided or applicant district included in whole or in part in an acquiring district.

(b) For the purposes of this article as it applies to an original district or to an acquiring district, the effective date of any change of boundaries, annexation, formation of a new district, or other reorganization shall be the date such action became effective for the purposes of Section 1701.

19284. Whenever, subsequent to the date of an apportionment to a district, the state-aided district is included in whole or in part in another district, the acquiring district in which a state-aid project is located shall, on the effective date of such inclusion, succeed to and be vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to any apportionment or apportionments for such project and the property acquired or to be acquired from funds provided thereby, and all funds in the Urban School Construction Fund of the state-aided district shall be transferred to the Urban School Construction Fund of the acquiring district. All amounts which would, after the effective date of such inclusion, have been otherwise paid to the state-aided district under the terms of or pursuant to said apportionment, shall be paid to the acquiring district. In addition, the acquiring district shall, on the effective date of the inclusion of the state-aided district in the acquiring district become liable for the annual repayments and other payments due the state under this chapter.

SEC. 19 The provisions of Senate Bill No. 292 of the 1968 Regular Session, if enacted, do not apply to this act.

CHAPTER 988

An act to amend Sections 66801, 67040, and 67070 of, and to add Sections 67041.1, 67042.1, and 67103.1 to, the Government Code, and to amend Section 4 of Chapter 1589 of the Statutes of 1967, Regular Session, relating to Tahoe Regional Planning, making an appropriation, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 66801 of the Government Code is amended to read:

66801. The provisions of this interstate compact executed between the States of Nevada and California are as follows:

TAHOE REGIONAL PLANNING COMPACT

Article I. Findings and Declarations of Policy

(a) It is found and declared that the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

(b) It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

(c) It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan of resource conservation and orderly development, to exercise effective environmental controls and to perform other essential functions, as enumerated in this title.

Article II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of the Counties of Douglas, Ormsby, and Washoe lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin

in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15, North, Range 16 East, M.D.B &M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Regional Planning Agency

(c) "Governing body" means the governing board of the Tahoe Regional Planning Agency.

(d) "Regional plan" shall mean the long-term general plan for the development of the region.

(e) "Interim plan" shall mean the interim regional plan adopted pending the adoption of the regional plan

(f) "Planning commission" means the advisory planning commission appointed pursuant to paragraph (h) of Article III.

Article III. Organization

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Each member shall be a member of the city council or county board of supervisors which he represents and, in the case of a supervisor, shall be a resident of a county supervisorial district lying wholly or partly within the region.

One member appointed by each of the Boards of County Commissioners of Douglas, Ormsby and Washoe Counties. Any member so appointed shall be a resident of the county from which he is appointed and may be, but is not required to be:

(1) A member of the board which appoints him; and

(2) A resident of or the owner of real property in the region,

as each board of county commissioners may in its own discretion determine. The manner of selecting the person so to be appointed may be further prescribed by county ordinance. A person so appointed shall before taking his seat on the governing body disclose all his economic interests in the region, and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. If any board of county commissioners fails to make an appointment required by this paragraph within 30 days after the effective date of this act or the occurrence of a vacancy on the governing body, the Governor shall make such appointment. The position of a member appointed by a board of county commissioners shall be deemed vacant if such member is absent from

three consecutive meetings of the governing body in any calendar year.

One member appointed by the Governor of California and one member appointed by the Governor of Nevada. The appointment of the California member is subject to Senate confirmation, he shall not be a resident of the region and shall represent the public at large. The member appointed by the Governor of Nevada shall not be a resident of the region and shall represent the public at large.

The Administrator of the California Resources Agency or his designee and the Director of the Nevada Department of Conservation and Natural Resources or his designee.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

(c) The term of office of the members of the governing body shall be at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every four years.

(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date oftener than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date, place and agenda at least five days prior to the meeting.

(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be two years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

(g) A majority of the members of the governing body from each state shall constitute a quorum for the transaction of the business of the agency. A majority vote of the members present representing each state shall be required to take action with respect to any matter. The vote of each member of the

governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

(h) An advisory planning commission shall be appointed by the agency, which shall consist of an equal number of members from each state. The commission shall include but shall not be limited to: the Chief Planning Officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of the Counties of Douglas, Ormsby, and Washoe in Nevada, the Placer County Director of Sanitation, the El Dorado County Director of Sanitation, the County Health Officer of Douglas County or his designee, the County Health Officer of Washoe County or his designee, the Chief of the Bureau of Environmental Health of the Health Division of the Department of Health, Welfare and Rehabilitation of the State of Nevada or his designee, the Executive Officer of the Lahontan Regional Water Quality Control Board or his designee, the Executive Officer of the Tahoe Regional Planning Agency who shall act as chairman, and at least four lay members each of whom shall be a resident of the region.

(i) The agency shall establish and maintain an office within the region. The agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken. Upon receipt of certified copies of the resolutions or notifications appointing the members of the governing body, the Secretary of State of each respective state shall notify the Governor of the state who shall, after consultation with the Governor of the other state, issue a concurrent call for the organization meeting of the governing body at a location determined jointly by the two governors.

(k) Each state may provide by law for the disclosure or elimination of conflicts of interest on the part of members of the governing body appointed from that state.

Article IV. Personnel

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this act or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of

the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

Article V. Planning

(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this paragraph shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this paragraph.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

the governing body shall complete its action on such amendment within 60 days after such request is delivered to the agency.

Tahoe Regional Plan

(b) Within 15 months after the formation of the agency, the planning commission shall recommend a regional plan. Within 18 months after the formation of the agency, the governing body shall adopt a regional plan. After adoption, the planning commission and governing body shall continuously

review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall include the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to, an indication or allocation of maximum population densities.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region. Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private individuals.

(c) All provisions of the Tahoe regional general plan shall be enforced by the agency and by the states, counties and cities in the region.

Tahoe Regional Interim Plan

(d) Within 60 days after the formation of the agency, the planning commission shall recommend a regional interim plan. Within 90 days after the formation of the agency, the governing body shall adopt a regional interim plan. The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and planning decisions, which the agency finds it necessary to adopt and administer on an interim basis in accordance with the substantive powers granted to it in this agreement.

(e) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan and interim plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(f) All provisions of the interim plan shall be enforced by the agency and by the states, the counties, and cities.

Article VI. Agency's Powers

(a) The governing body shall adopt all necessary ordinances, rules, regulations and policies to effectuate the adopted regional and interim plans. Every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the basin, and any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation in its territory. The regulations shall contain general, regional standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers; harbors, breakwaters; or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobilehome parks; house relocation; outdoor advertising; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the interim plan or the general plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the interim or general plan.

Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the interim plan or the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 18 months after the formation of the agency.

Every plan, ordinance, rule, regulation or policy adopted by the agency shall recognize as a permitted and conforming use any business or recreational establishment which is required by law of the state in which it is located to be individually licensed by the state, if such business or establishment:

(1) Was so licensed on February 5, 1968, or was licensed for a limited season during any part of the calendar year immediately preceding February 5, 1968.

(2) Is to be constructed on land which was so zoned or designated in a finally adopted master plan on February 5, 1968, as to permit the construction of such a business or establishment.

(b) All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency and by the respective states, counties, and cities. The appropriate courts of the respective states, each within its limits of territory and subject matter provided by state law, are vested with jurisdiction over civil actions to which the agency is a party and criminal actions for violations of its ordinances. Each such action shall be brought in a court of the state where the violation is committed or where the property affected by a civil action is situated, unless the action is brought in a federal court. For this purpose, the agency shall be deemed a political subdivision of both the State of California and the State of Nevada.

(c) Except as otherwise provided in paragraph (d), all public works projects shall be reviewed prior to construction and approved by the agency as to the project's compliance with the adopted regional general plan.

(d) All plans, programs and proposals of the State of California or Nevada, or of its executive or administrative agencies, which may substantially affect, or may specifically apply, to the uses of land, water, air, space and other natural resources in the region, including but not limited to public works plans, programs and proposals concerning highway routing, design and construction, shall be referred to the agency for its review, as to conformity with the regional plan or interim plan, and for report and recommendations by the agency to the executive head of the state agency concerned and to the Governor. A public works project which is initiated

and is to be constructed by a department of either state shall be submitted to the agency for review and recommendation, but may be constructed as proposed.

(e) The agency shall police the region to ensure compliance with the general plan and adopted ordinances, rules, regulations and policies. If it is found that the general plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

(f) Violation of any ordinance of the agency is a misdemeanor.

(g) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

(h) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

(i) Whenever a new city is formed within the region, the membership of the governing body shall be increased by two additional members, one appointed by, and who shall be a member of, the legislative body of the new city, and one appointed by the Governor of the state in which the city is not located. A member appointed by the Governor of California is subject to Senate confirmation.

(j) Every record of the agency, whether public or not, shall be open for examination to the Legislative Analyst of the State of California and the Fiscal Analyst of the State of Nevada.

(k) Whenever under the provisions of this article or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any proposal, public or private, the agency shall take final action, whether to approve, to require modification or to reject such proposal, within 60 days after such proposal is delivered to the agency. If the agency does not take final action within 60 days, the proposal shall be deemed approved.

Article VII. Finances

(a) Except as provided in subdivision (e), on or before December 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion not more than $150,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. Each county in California shall pay the sum allotted to it by the agency from any funds available therefor and may levy a

tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it Each county in Nevada shall pay such sum from its general fund or from any other moneys available therefor.

(b) The agency may fix and collect reasonable fees for any services rendered by it

(c) The agency shall be strictly accountable to any county in the region for all funds paid by it to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursements.

(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds.

(e) As soon as possible after the ratification of this compact, the agency shall estimate the amount of money necessary to support its activities·

(1) For the remainder of the then current fiscal year; and

(2) If the first estimate is made between January 1 and June 30, for the fiscal year beginning on July 1 of that calendar year

The agency shall then allot such amount among the several counties, subject to the restriction and in the manner provided in paragraph (a), and each county shall pay such amount.

(f) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

Article VIII. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in paragraph (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact 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 and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the legislature of either state concurred in by the legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

(d) No provision of this compact shall have any effect upon the allocation or distribution of interstate waters or upon any appropriative water right.

SEC. 2. Section 67040 of the Government Code is amended to read:

67040. There is created the California Tahoe Regional Planning Agency as a separate legal entity and as a political subdivision of the State of California. It is the intent of the Legislature that the agency be considered a "political subdivision" as that term is used in Article VI of the Tahoe Regional Planning Compact.

SEC. 3. Section 67041.1 is added to the Government Code, to read:

67041.1. When the Tahoe Regional Planning Compact becomes effective the individuals chosen to serve on the governing body of the agency shall be the same as those chosen to serve from California on the governing body of the Tahoe Regional Planning Agency.

SEC. 4. Section 67042.1 is added to the Government Code, to read:

67042.1. When any member of the agency has a direct personal financial interest in a matter officially coming before the agency he shall disclose the fact of his interest and abstain from participation in any discussion of or vote upon the matter.

SEC. 4.5. Section 67070 of the Government Code is amended to read:

67070. (a) Within 18 months after the formation of the agency, the agency shall prepare, adopt and review and maintain a comprehensive long-term general plan for the development of the Tahoe region, referred to as the "regional plan"; provided that, when the Tahoe Regional Planning Compact becomes effective the time for preparation of the regional plan shall be extended so that it coincides with the date upon which the Tahoe Regional Planning Agency must submit its regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

(b) The regional plan shall include the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural re-

sources within the region, including but not limited to, an indication or allocation of maximum population densities.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

SEC. 5. Section 67103.1 is added to the Government Code, to read:

67103.1. All public works projects submitted to the agency for review and approval must receive the agency's approval before they can be submitted to the Tahoe Regional Planning Agency.

SEC. 6. Section 4 of Chapter 1589 of the Statutes of 1967, Regular Session, is amended to read:

Sec. 4. Section 1 of this act shall become operative only if the compact creating the Tahoe Regional Planning Agency as provided for in Section 1 of this act is adopted by the State of Nevada and approved by the Congress of the United States.

SEC. 6.1. The sum of eighty thousand dollars ($80,000) is hereby appropriated from the General Fund in accordance with the following schedule: (a) to the Tahoe Regional Planning Agency the sum of fifty thousand dollars ($50,000); and (b) to the California Tahoe Regional Planning Agency the sum of thirty thousand dollars ($30,000), to be used in each case to carry out the purposes of the agency.

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 waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration and degeneration which may threaten the natural beauty and economic productivity of the region.

It is imperative, therefore, that the California act which will enable the Tahoe Regional Planning Compact to be sent to the Congress of the United States for ratification take immediate effect, thus forwarding the date that the Tahoe Regional Planning Agency can commence its planning and regulatory activity.

CHAPTER 989

An act to add Part 2 (commencing with Section 5600) to Division 5 of, and to repeal Part 2 (commencing with Section 5600) of Division 5 of, the Welfare and Institutions Code and to amend Section 48 of Chapter 1667 of the Statutes of 1967, relating to mental health.

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

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

SECTION 1. Part 2 (commencing with Section 5600) of Division 5 of the Welfare and Institutions Code is repealed.

SEC. 2. Part 2 (commencing with Section 5600) is added to Division 5 of the Welfare and Institutions Code, to read:

PART 2. THE SHORT-DOYLE ACT

CHAPTER 1. GENERAL PROVISIONS

5600. This part shall be known and may be cited as the Short-Doyle Act. This part is intended to organize and finance community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. It is furthermore intended to better utilize existing resources at both the state and local levels in order to improve the effectiveness of necessary mental health services; to integrate state-operated and community mental health programs into a unified mental health system; to ensure that all mental health professions be appropriately represented and utilized in such mental health programs; to provide a means for participation by local governments in the determination of the need for and the allocation of mental health resources; to establish a uniform ratio of local and state government responsibility for financing mental health services; and to provide a means of allocating state mental health funds according to community needs. It is furthermore intended to provide a means of reimbursing local governments for certain services to the mentally retarded and persons afflicted with alcoholism which counties may elect to provide.

5601. As used in this part:

(a) "Governing body" means the county board of supervisors or boards of supervisors in the case of counties acting

jointly; and in the case of a city, the city council or city councils acting jointly.

(b) "Conference" means the California Conference of Local Mental Health Directors as established under Section 5757.

(c) "County Short-Doyle Plan" means the mental health plan which must be adopted by each county, or combination of counties acting jointly, in accordance with Section 5650.

(d) "Part 1" refers to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of this division).

(e) "Director of Mental Hygiene" means the Director of the Department of Mental Hygiene.

5602. By July 1, 1969, the board of supervisors of every county, or the boards of supervisors of counties acting under the joint powers provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code shall establish a community mental health service to cover the entire area of the county or counties. Services to mentally disordered persons in the county or counties by county agencies and county institutions and by the hospitals of the State Department of Mental Hygiene shall be provided in accordance with the County Short-Doyle Plan. Services of the State Department of Mental Hygiene shall be provided to the county, or counties acting jointly, by contract or, if both parties agree, the state facilities may, in whole or in part, be leased, rented or sold to the county or counties for county operation, subject to such terms and conditions as are approved by the Director of General Services

5603. Effective July 1, 1969, all state funds appropriated for mental health services shall be available for services provided under the County Short-Doyle Plans pursuant to Section 5700, except for funds allocated for the mentally retarded, neuropsychiatric institutes services to the judicially committed, central office functions, and research and training functions.

For purposes of this part, "the judicially committed" means persons committed pursuant to Article 1 (commencing with Section 6300), Article 2 (commencing with Section 6350), Article 3 (commencing with Section 6400), Article 4 (commencing with Section 6450), Article 5 (commencing with Section 6500) or Article 6 (commencing with Section 6550) of Chapter 2 of Part 2 of Division 6.

5604. Each community mental health service shall have an advisory board of 13 members appointed by the governing body. Three members of the advisory board shall be physicians and surgeons engaged in the private practice of medicine, one of whom, when available, shall be a specialist in psychiatry. One member shall be the chairman of the local governing body, and five members shall be persons representative of the public interest in mental health, mental retardation and alcoholism. The advisory board shall also contain a psychologist, a social worker, a nurse, and a hospital administrator, preferably with psychiatric hospital experience. The term of each member of

the board shall be for three years; provided, however, that of the members first appointed, five shall be appointed for one year, four for a term of two years, and four for a term of three years. When a person qualifies for membership on the board because he holds a specified office, such membership ceases when his term of office ceases. No member of the advisory board shall be a full- or part-time county employee of the county mental health service or the Department of Mental Hygiene or an employee of a Short-Doyle contract facility.

The chairman of a governing body may designate a member of that body to serve in his stead as a member of the advisory board.

If it is not possible to secure membership as specified from among persons who reside in the county, the governing body may substitute representatives of the public interest in mental health, mental retardation, and alcoholism who are not full-time or part-time employees of the county mental health service, the State Department of Mental Hygiene, or on the staff of a Short-Doyle contract facility.

5605. Local mental health advisory boards shall be subject to the provisions of Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code, relating to meetings of local agencies.

5606. The local mental health advisory board shall:

(a) Review and evaluate the community's mental health needs, services, facilities, and special problems.

(b) Review the County Short-Doyle Plan.

(c) Advise and report directly to the governing body as to a program of community mental health services and facilities, submit an annual report to the governing body, and, when requested by such governing body may make recommendations regarding the appointment of a local director of mental health services.

(d) After adoption of a program, continue to act in an advisory capacity to the governing body and to the local director of mental health services.

5607. The local mental health services shall be administered by a local director of mental health services to be appointed by the governing body. He shall meet such standards of training and experience as the State Department of Mental Hygiene, by regulation, shall require. Applicants for such positions need not be residents of the city, county, or state, and may be employed on a full- or part-time basis. If a county is unable to secure the services of a person who meets the standards of the State Department of Mental Hygiene, the county may select an alternate administrator subject to the approval of the Director of Mental Hygiene.

5608. The local director of mental health services shall have the following powers and duties:

(a) He shall serve as chief executive officer of the community mental health service responsible to the governing body

through administrative channels designated by the governing body;

(b) He shall be responsible for the preparation of the County Short-Doyle Plan, as specified in Section 5650;

(c) He shall exercise general supervision over mental health services provided under the County Short-Doyle Plan;

(d) He shall recommend to the governing body, after consultation with the advisory board, the provision of services, establishment of facilities, contracting for services or facilities and other matters necessary or desirable in accomplishing the purposes of this division;

(e) He shall submit an annual report to the governing body reporting all activities of the program, including a financial accounting of expenditures and a forecast of anticipated needs for the ensuing year;

(f) He shall carry on such studies as may be appropriate for the discharge of his duties, including the control and prevention of psychiatric disorders.

5609. Subject to the approval of the Director of Mental Hygiene any community mental health service may by contract furnish community mental health services to any other county.

5610. The expenses incurred under the provisions of this division shall be a charge against the city or cities, county or counties, as the case may be, and shall be audited, levied, collected, and paid in the same manner as other charges.

5611. Any agreement between two or more counties or cities for the establishment of a joint mental health service may provide that the treasurer of one participating county or city shall be the custodian of moneys made available for the purposes of such joint services, and that the treasurer may make payments from such moneys upon audit of the appropriate auditing officer or body of the county or city for which he is treasurer.

5612. Any agreement between two or more counties or cities for the establishment of a joint mental health service may also provide:

(a) For the joint provision or operation of services and facilities or for the provision or operation of services and facilities by one participating county or city under contract for the other participating counties or cities.

(b) For appointments of members of the local mental health advisory board between or among participating counties or cities.

(c) That, for specified purposes, officers and employees of a joint mental health service shall be considered to be officers and employees of one participating county or city only.

(d) For such other matters as are necessary or proper to effectuate the purposes of this part.

5613. Unless otherwise expressly provided or required by the context, the provisions of this part relating to community mental health service, and the appointment of local mental

health advisory boards and directors shall apply to joint mental health services.

5614. A community mental health service may contract for services and facilities with any hospital, clinic, laboratory or other similar institution. Any such contract may be entered into notwithstanding that the local director of mental health service is a member of the medical or consultant staff of such hospital, clinic, laboratory or institution.

5615. If they so elect, cities that were operating independent Short-Doyle programs on January 1, 1968, shall continue to receive state payment to maintain existing programs at the 1968–1969 program levels as to types of services offered and the quantity of such services after all payments have been made pursuant to subdivision (1) of Section 5704. Requests by cities for state payments shall be considered to be in the same priority as requests under County Short-Doyle Plans under subdivision (2) of Section 5704.

5616. Nothing in this part shall prevent any city or combination of cities from owning, financing, and operating a mental health program, by entering into arrangements with the county to provide and be reimbursed for services provided as part of the County Short-Doyle Plan.

CHAPTER 2. THE COUNTY SHORT-DOYLE PLAN

5650. No later than the first day of the month following the month in which statutes enacted at the 1968 Regular Session of the Legislature are effective and on or before October 1 of each year thereafter, the board of supervisors of each county, or boards of supervisors of counties acting jointly, shall adopt, and submit to the Director of Mental Hygiene, an annual County Short-Doyle Plan for the next fiscal year for mental health services in the county or counties. The purpose of a county plan shall be to provide the basis for reimbursement pursuant to the provisions of this division and to coordinate services as specified in this chapter in such a manner as to avoid duplication, fragmentation of services, and unnecessary expenditures. To achieve this purpose, a County Short-Doyle Plan shall provide for the most appropriate and economical use of all existing public and private agencies and personnel A County Short-Doyle Plan must include the fullest possible and most appropriate participation by existing city Short-Doyle programs, state hospitals and clinics, public and private general and psychiatric hospitals, city, county, and state health and welfare agencies, public guardians, mental health counselors, alcoholism programs, probation departments, physicians, psychologists, social workers, public health nurses, and all such other public and private agencies and personnel as are required to, or may agree to, participate in the County Short-Doyle Plan.

5651. The County Short-Doyle Plan shall provide an inventory of all public and private mental health resources in the county.

5652. The County Short-Doyle Plan shall present an estimate of the number of involuntary patients to be provided the services legally required under Part 1 (commencing with Section 5000) of this division including evaluation, prepetition screening, referral, crisis intervention, intensive treatment, conservatorship, and postcertification treatment. The County Short-Doyle Plan shall also indicate the agencies or individuals who will provide these services and the estimated average cost per patient for each service. The County Short-Doyle Plan shall show all expected expenditures of county, state, and federal government funds for those services and all anticipated public and private revenues. The plan shall also show the estimated cost of diagnostic screening for voluntary state hospital patients.

5653. The County Short-Doyle Plan shall specify all other Short-Doyle mental health services in addition to those included under the provisions of Section 5652 which were in operation in fiscal year 1968–1969 which the county or city wishes to continue to operate in the next fiscal year and the estimated costs of such services.

5654. The County Short-Doyle Plan shall also include the estimated number of county residents who will reside in the state hospital on July 1, 1969, the estimated cost of state hospital care for such patients during the fiscal year and all sources of revenue for the care of such patients. This section shall not apply to persons committed as mentally disordered sex offenders, narcotic drug addicts, habit-forming drug addicts, mentally abnormal sex offenders, mentally retarded persons, juvenile court wards, and mentally disordered criminal offenders.

The State Department of Mental Hygiene shall provide the counties, to the extent possible, the information upon which to base this estimate.

5655. The County Short-Doyle Plan shall include an estimate of the number of persons from the county who will require voluntary state hospital care, in the next fiscal year, the estimated cost of care for such persons and all expected revenues. After July 1, 1969, no mentally disordered person or person afflicted with alcoholism shall be admitted to a state hospital prior to screening and referral by an agency designated in the County Short-Doyle Plan to provide this service.

5656. The County Short-Doyle Plan may propose the expansion of existing services to accommodate increased clientele over and above those served in fiscal year 1968–1969, or the establishment of any of the following services to the mentally disordered, mentally retarded, or persons afflicted with alcoholism:

(a) Inpatient services;

(b) Outpatient services;

(c) Partial hospitalization services, such as day care, night care, weekend care;

(d) Emergency services 24 hours per day available within one of the three services listed above;

(e) Consultation and education services available to community agencies and professional personnel and information services to the general public;

(f) Diagnostic services;

(g) Rehabilitative services, including vocational and educational programs;

(h) Precare and aftercare services in the community, including foster home placement, home visiting and halfway houses;

(i) Training;

(j) Research and evaluation.

5657. The County Short-Doyle Plan shall set forth priorities for the services included in Sections 5655 and 5656 during the next fiscal year.

5658. The County Short-Doyle Plan shall include provisions for evaluating mental health services in the county or counties. After July 1, 1970, program evaluations shall include studies of relative cost and effectiveness of alternative comparable forms and patterns of services.

5659. After October 1, 1970, each County Short-Doyle Plan shall include a projection of county needs for mental health services for the succeeding five-year period. The County Short-Doyle Plan shall provide for the orderly and economical development of those services and shall indicate priorities and anticipated expenditures and revenues.

5660. In developing the County Short-Doyle Plan, optimum use shall be made of appropriate state agencies, public and private organizations, and community professional personnel. Optimum use shall also be made of federal, state, county, and private funds which may be available for mental health planning.

In order that maximum utilization be made of federal and other funds made available to the State Department of Rehabilitation, the State Department of Rehabilitation may serve as a contractual provider under the provisions of a County Short-Doyle Plan of vocational rehabilitation services for the mentally disordered, mentally retarded, and persons afflicted with alcoholism.

So much of each county allocation as is required to provide vocational rehabilitation services in accordance with each County Short-Doyle Plan will be retained by the state and used to contract with the State Department of Rehabilitation for such services.

Facilities established pursuant to Article 10 (commencing with Section 427) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code shall be considered in the development of the county plan.

5661. All departments of state government and all local public agencies shall cooperate with county officials to assist them in mental health planning. The State Department of Mental Hygiene shall, upon request and with available staff, provide consultation services to the local mental health directors, local governing bodies and local mental health advisory boards.

5662. The County Short-Doyle Plan shall be submitted annually to the Director of Mental Hygiene, in the form, and according to procedures specified by the director.

CHAPTER 3. FINANCIAL PROVISIONS

5700. Mental health expenditures made by counties and cities pursuant to this part shall be paid by the state pursuant to the provisions of this chapter.

5701. There shall be a single state appropriation for services for mentally disordered persons. The single appropriation shall be made to the State Department of Mental Hygiene for mental health services and shall consolidate appropriations previously made to the department for mental health services under the Short-Doyle Act, and for the operation of the state hospitals for the mentally disordered, and other direct services of the department.

5702. The department shall continue to receive separate appropriations for central office functions, neuropsychiatric institutes, research and training functions, and state hospital services for the mentally retarded and the judicially committed.

5703. If after the review specified in Section 5752, the County Short-Doyle Plan is approved, the Director of Mental Hygiene shall determine the amount of state funds available for each county or city for specific services under the approved County Short-Doyle Plan, from the funds appropriated for mental health services.

5704. When allocating funds for each county, the director shall use the following priorities:

(1) County Short-Doyle Plans shall be funded to provide the approved required services for involuntary patients specified in Section 5652 and for diagnostic screening of voluntary patients admitted to state hospitals in accordance with Section 5655.

(2) County Short-Doyle Plans shall be funded to provide for the maintenance of Short-Doyle services in addition to those funded under subdivision (1) of this section established prior to July 1, 1969, as specified in Section 5653 and to provide for the care of state hospital patients admitted prior to July 1, 1969, as specified in Section 5654.

(3) County Short-Doyle Plans shall be funded, within the limit of available funds, to expand existing programs; to provide service to voluntary patients entering the state hospital after July 1, 1969, as specified in Section 5655, or to establish new programs as specified in Section 5656 in accordance with priorities determined by the county as specified in Section 5657.

If in any fiscal year the approved appropriation is insufficient to finance the programs and services specified by this subdivision, the Director of Mental Hygiene shall have the authority to determine the amount of state funds available to each county for such purposes in accordance with the priorities in both the state and county plans.

5705. To continue the approximate 1968–1969 ratio of state-county mental health expenditures, the net cost of all services specified in the approved County Short-Doyle Plans shall be financed on a basis of 90 percent state funds and 10 percent county funds, irrespective of where or by whom the services are provided, except for services to be financed from other public or private sources as indicated in the County Short-Doyle Plan.

5706. In order to maintain its effort in the mental health field the Legislature should appropriate a sum to pay County Short-Doyle Plans which is at least equal to the appropriation for mental health services during fiscal year 1968–1969 reduced by an amount equal to the fees collected by the state during that fiscal year adjusted for price changes unless additional increases are specifically appropriated by the Legislature. Funds allocated for the mentally retarded, the neuropsychiatric institutes, services to the judicially committed, central office functions, research and training functions shall not be included in the determination of such amount.

5707. Subject to the provisions of Section 5714.1, services specified in the approved County Short-Doyle Plans shall be financed within the fixed amounts appropriated each year by the state and the counties except for services that are to be financed from other public or private sources.

Upon approval by both parties, the County Short-Doyle Plan shall be deemed to be a contractual arrangement between the state and county.

5708. During the course of each fiscal year, a county may reallocate funds initially allocated for the approved County Short-Doyle Plan between state-operated and other approved services with the approval of the Director of Mental Hygiene.

The director shall approve such requests for reallocation if the services to be provided by a county requesting the reallocation are in accordance with the priorities in the County Short-Doyle and state plans.

The Director of Mental Hygiene may reallocate among County Short-Doyle Plans the state share of any savings occurring during the year in services provided under the County Short-Doyle Plans. Reallocations shall be to counties desiring to provide services supplementary to services specified in approved County Short-Doyle Plans in accordance with county and state mental health priorities.

5709. Nothing in Sections 5705 to 5708, inclusive, shall prevent a county, or counties acting jointly, from appropriating additional funds for mental health services. In no event shall counties be required to appropriate more than the mini-

mum amount required to finance 10 percent of the legally required services specified in Section 5652 and for the provision of care for mentally disordered residents of the state hospital as of July 1, 1969, as specified in Section 5654.

5709.5. No county shall be required to increase its expenditure for mental health services by more than an amount equal to one cent ($0.01) for each one hundred dollars ($100) in assessed value of taxable property in the county in any one fiscal year in order to implement the provisions of this division.

5709.6. The provisions of this division shall apply to a county with a population under 100,000 only if the governing body thereof so elects by the adoption of a resolution to such effect. If a county with a population under 100,000 does not elect to participate financially in the services provided under this division, the state shall provide voluntary care, and services pursuant to Part 1 (commencing with Section 5000) of this division, in state hospitals for the residents of the county; and the cost of such care, except to the extent a patient is able to pay, shall be paid by the state.

For the purposes of this section the population of a county shall be that determined by the Department of Finance in accordance with the July 1 provisional estimates of county population for the fiscal year in which the county plan is to be adopted.

5710. City-operated Short-Doyle programs paid by the state under the provisions of Section 5615 shall be directly funded on the basis of a 90 percent state—10 percent city cost-sharing formula.

5711. A city Short-Doyle program may also serve as a contractual provider of services under the provisions of a County Short-Doyle Plan.

5712. Expenditures incurred for the items specified in Section 5704, shall, in accordance with the regulations of the Director of Mental Hygiene, be subject to payment whether incurred by direct or joint operation of such facilities and services, by provisions therefor through contract, or by other arrangement pursuant to the provisions of this division. The Director of Mental Hygiene may make investigations and audits of such expenditures as he may deem necessary.

5713. In determining the amounts which may be paid, fees paid by persons receiving services or fees paid on behalf of such persons by the federal government, by the California Medical Assistance Program set forth in Chapters 7 (commencing with Section 14000) and 8 (commencing with Section 14500) of Part 3 of Division 9, and by other public or private sources, shall be deducted from the costs of providing services. Whenever feasible, mentally disordered persons who are eligible for mental health services under the California Medical Assistance Program shall be treated in a facility approved for reimbursement in that program.

5714. Of the funds allocated to each county in accordance with Sections 5704 to 5708, inclusive, there shall be reimbursed to each county 90 percent of the amount required by that county to carry out its local mental health activity in accordance with the approved County Short-Doyle Plan required by Chapter 2 (commencing with Section 5650) of this part. So much of each county allocation as is required to care for patients in state hospitals shall be retained by the state and used to support such hospitals. During fiscal year 1969–70 such reimbursement shall be for three-month periods, commencing with the July, August, and September of that year. During fiscal year 1970–71, such reimbursement shall be for two-month periods commencing with the July–August period of that year. During fiscal year 1971–72, and thereafter, such reimbursement shall be for one-month periods.

Claims for reimbursement shall be presented within 60 days after the close of the period for which such reimbursement is sought.

5714.1. Claims for state reimbursement shall be made in such form and in such manner as the Director of Mental Hygiene shall determine. When certified by the Director of Mental Hygiene, claims for state reimbursement shall be presented 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 such reimbursement is for expenditures made for the purposes and under the conditions authorized under this part.

Each claim for state reimbursement shall be payable from the appropriation made for the fiscal year in which the expenses upon which the claim is based are incurred, except that each claim for reimbursement for the last three-month period of the 1969–1970 fiscal year, for the last two-month period of the 1970–1971 fiscal year, and for the last one-month period of the 1971–1972 fiscal year, shall be payable from the appropriation made for the fiscal year next succeeding that in which the expenses upon which the claim is based are incurred.

5714.2. Each claim for state reimbursement by a city or county for the fourth quarter of the 1968–1969 fiscal year under Division 8 (commencing with Section 9000) of this code, as it read immediately prior to the operative date of the repeal of that division enacted at the 1967 Regular Session of the Legislature, shall be made, paid, and audited pursuant to that division and the regulations promulgated thereunder, and such provisions shall remain in effect for the purpose of this section until such claims are made, paid, and audited.

5715. Expenditures subject to payment shall include expenditures for the items specified in Section 5704; salaries of personnel; approved facilities and services provided through contract; operation, maintenance and service costs; depreciation of county facilities as established in the state's uniform accounting manual; expenses incurred under this act by members of the Conference of Local Mental Health Directors for

attendance at regular meetings of such conferences; and such other expenditures as may be approved by the Director of Mental Hygiene. It shall not include expenditures for initial capital improvements; the purchase or construction of buildings except for such equipment items and remodeling expense as may be provided for in regulation of the Department of Mental Hygiene; compensation to members of a local mental health advisory board (except actual and necessary expenses incurred in the performance of official duties); or expenditures for a purpose for which state reimbursement is claimed under any other provision of law.

5716. The provisions of subdivision (c) of Section 14000 shall not be construed to prevent providers of mental health services pursuant to this part from also being providers of medical assistance mental health services for the purposes of Chapter 7 (commencing with Section 14000) and Chapter 8 (commencing with Section 14500) of Part 3 of Division 9. Clinics providing mental health services pursuant to this part shall not be required to be licensed as a condition to reimbursement for providing such medical assistance mental health services.

5717. Fees shall be charged in accordance with the ability to pay for mental health services rendered but not in excess of actual cost.

5718. Charges shall be made for services rendered to each mentally disordered person or patient affected with alcoholism under a County Short-Doyle Plan in accordance with this section. Charges for the care and treatment of each such patient receiving service under a County Short-Doyle Plan shall not exceed the actual cost thereof as determined by the Director of Mental Hygiene in accordance with standard accounting practices. The director is not prohibited from including the amount of expenditures for capital outlay or the interest thereon, or both, in his determination of actual cost. The responsibility of a patient, his estate, or his responsible relatives to pay such charges and the powers of the director with respect thereto shall be determined in accordance with Article 4 (commencing with Section 7275) of Chapter 3 of Division 7 of this code.

The director may delegate to each county all or part of the responsibility for determining the liability of patients rendered services under a County Short-Doyle Plan other than in a state hospital, and of their estates or responsible relatives to pay such charges, and all or part of the responsibility for collecting such charges. If such responsibility is delegated by the director, he shall establish and maintain the policies and procedures for making such determinations and collections, and each county to which the responsibility is delegated shall comply with such policy and procedures.

Each county shall furnish the Director of Mental Hygiene with such information as he shall require to enable him to establish and maintain a cost reporting system of the costs of mental health services in the county, except state hospitals,

funded in whole or in part by state funds. Each county shall maintain records containing such information and in such form as the director shall require for the purposes of this section.

Pending the development of a cost reporting system, the director shall prepare and adopt a uniform patient fee schedule to be used in all mental health agencies for services rendered to each mentally disordered patient and each patient afflicted with alcoholism. In preparing such uniform patient fee schedule, the director shall take into account the existing charges for state hospital services and those for Short-Doyle Act community mental health program services. If the director determines that it is not practicable to devise a single uniform patient fee schedule applicable to both state hospital services and services of other mental health agencies, he may adopt a separate fee schedule for state hospital services which differs from the uniform patient fee schedule applicable to other mental health agencies. Such patient fee schedules shall not be used after the development and implementation of the cost reporting system provided for in this section or after December 31, 1971, whichever occurs first.

5719. To continue county expenditures for legal proceedings involving mentally disordered people and persons with alcoholism, the following costs incurred in carrying out Part 1 (commencing with Section 5000) of this division shall be non-state-reimbursable charges:

(a) The costs involved in bringing a person in for 72-hour treatment and evaluation;

(b) The costs of court proceedings for court-ordered evaluation, including the service of the court order and the apprehension of the person ordered to evaluation when necessary;

(c) The costs of court proceedings in cases of appeal from 14-day intensive treatment;

(d) The cost of conservatorship investigation and legal proceedings in conservatorship;

(e) The court costs in postcertification proceedings;

(f) The cost of providing a public defender or other court-appointed attorneys in proceedings for those unable to pay.

CHAPTER 4. OPERATION AND ADMINISTRATION

5750. The State Department of Mental Hygiene shall administer this division and shall adopt standards for approval of mental health services, and rules and regulations necessary thereto; provided, however, that such standards, rules and regulations shall be adopted only after consultation with both the citizens advisory council and the California Conference of Local Mental Health Directors. Adoption of such standards, rules and regulations shall require approval by the California Conference of Local Mental Health Directors by majority vote of those present at an official session.

If the conference refuses or fails to approve standards, rules, or regulations submitted to it by the department for its approval, the department may submit such standards, rules,

or regulations to the conference at its next semiannual meeting, and if the conference again refuses to approve them, the matter shall be referred for decision to a committee composed of the Administrator of the Health and Welfare Agency, the Director of Mental Hygiene, the President of the California Conference of Local Mental Health Directors, the Chairman of the Citizens Advisory Council, and a member designated by the State Health Planning Council.

5751. The State Director of Mental Hygiene, after approval by the California Conference of Local Mental Health Directors, shall by regulation establish standards of education and experience for professional and technical personnel employed in mental health services and for the organization and operation of mental health services. Regulations pertaining to the qualifications of directors of local mental health services shall be administered in accordance with Section 5608. Such standards may include the maintenance of records of services, finances and expenditures, which shall be reported to the State Department of Mental Hygiene in a manner and at such times as it may specify.

The regulations shall be adopted in accordance with the Administrative Procedure Act, Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of the Government Code.

5752. The director shall review each County Short-Doyle Plan to determine that:

(a) It complies with the requirements of this division and with the standards adopted under this division;

(b) That the most effective and economical use will be made of available public and private mental health resources in the county or counties;

(c) The five-year plan for community mental health services has been adequately prepared. The director shall insure that careful consideration is given to the most effective and economical alternative forms and patterns of services;

(d) Adequate provisions have been made for review and evaluation of the services provided in the county or counties.

5753. The director shall allocate funds to pay approved County Short-Doyle Plans, and to finance services in state hospitals according to the provisions of this part.

5754. The director shall require modifications in the County Short-Doyle Plan which he deems necessary to bring the plan into conformance with the provisions of this division.

5755. By October 1, 1970, the State Department of Mental Hygiene shall adopt a five-year state plan for community mental health services. The state plan shall consider the community mental health needs set forth in the county plans and shall include a system of priorities for allocating state mental health funds to the counties. The director shall consult with the California Conference of Local Mental Health Directors and the Citizens Advisory Council in developing the state plan. The state plan shall be reviewed and revised as necessary to pro-

vide a basis for allocating mental health funds throughout the state. The state plan and the system of priorities shall encourage innovations by county mental health programs.

5756. The director shall submit to the Legislature, no later than January 1, 1969, a statement of goals to be achieved in California's mental health system and proposals as to how the system can be evaluated to determine the relative effectiveness of the various services in accomplishing the desired goals.

5757. There is hereby established the California Conference of Local Mental Health Directors, with which the Director of Mental Hygiene shall consult in establishing standards, rules, and regulations pursuant to this division.

5758. The California Conference of Local Mental Health Directors shall consist of all regularly appointed directors of community mental health services and program chiefs as defined by regulation. It shall organize and shall annually elect a president, a vice president, and a secretary, who shall serve as the executive committee of the conference. The president of the conference, after consultation with the Director of Mental Hygiene, may appoint, for the purpose of advising the director, such other committees of the conference as may from time to time be necessary.

5759. Meetings of the conference for the purposes of this division shall be called by the Director of Mental Hygiene, who shall give the members at least 10 days' notice of such meetings. At official sessions of meetings of the conference the president of the conference shall preside; provided, however, that the conference may hold additional sessions as may be determined by the executive committee of the conference at which the president or other members of the conference shall preside. Each community mental health service shall have one vote cast by the director or his designee.

5760. Actual and necessary expenses incurred by a member as incident to his attendance at meetings of the conference shall be a legal charge against the local government unit which he represents. Actual and necessary expense incurred by members of the conference incident to attendance at special meetings of the committees of the conference called by the Director of Mental Hygiene shall be a legal charge against any funds available for the administration of this division.

5761. The State Department of Mental Hygiene, after approval by the California Conference of Local Mental Health Directors, may provide for consultant and advisory services and for the training of technical and professional personnel in educational institutions and field training centers approved by the department and for the establishment and maintenance of field training centers.

5762. The President of the California Conference of Local Mental Health Directors, for the purposes of this division, may, after consultation with the Director of Mental Hygiene, appoint such psychiatric and such other consultants as may be deemed necessary who shall serve without pay but who shall

receive actual and necessary travel and other expenses incurred.

5763. There is a Citizens Advisory Council to advise and assist the Director of Mental Hygiene in carrying out the provisions of this division.

The council shall consist of fifteen (15) appointed voting members. Each of the following professions shall be represented by one member: general medicine, general psychiatry, child psychiatry, psychology, social work, sociology, law, and nursing. Two members shall be county supervisors; one member shall be an administrator of a private hospital providing psychiatric services; one member shall be a member of the California Conference of Local Mental Health Directors who is appointed under this part; and three members shall represent the general public.

The Governor shall appoint the following nine (9) members of the council: representatives of the professions of general medicine (1), psychiatry (1), child psychiatry (1), psychology (1), social work (1), and nursing (1); an administrator of a private hospital providing psychiatric services; a county supervisor; and a representative of the general public. The Chairman of the Senate Rules Committee shall appoint the following three (3) members of the council: a representative of the profession of law; a county supervisor; and a representative of the general public. The Speaker of the Assembly shall appoint the following three (3) members of the council: a representative of the profession of sociology; a member of the California Conference of Local Mental Health Directors; and a representative of the general public.

Of the members first appointed by the Governor, three shall hold office for three years, three shall hold office for two years, and three shall hold office for one year. Of the members first appointed by the Speaker of the Assembly, one shall hold office for three years, one shall hold office for two years, and one shall hold office for one year. Of the members first appointed by the Chairman of the Senate Rules Committee, one shall hold office for three years, one shall hold office for two years, and one shall hold office for one year. Thereafter, each member shall hold office for three years.

The members of the Citizens Advisory Council shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this chapter.

The Citizens Advisory Council shall meet at least quarterly, and on call of the council chairman as often as necessary to fulfill its duties. All meetings and records of the Citizens Advisory Council shall be open to the public.

The Citizens Advisory Council shall, by majority vote of the voting members, elect its own chairman from among the 15 appointed members, and shall establish such committees as it deems necessary or desirable. The council chairman shall ap-

point all members of committees of the Citizens Advisory Council.

5764. The powers, duties, and responsibilities of the Citizens Advisory Council shall include the following:

(a) To advise the Director of Mental Hygiene on the development of the state five-year mental health plan and the system of priorities contained in that plan.

(b) To periodically review all mental health services in California, conducting independent investigations and studies as necessary. The Citizens Advisory Council may prepare such reports as necessary to the Governor, the Legislature, the Director of Mental Hygiene, and the State Health Planning Council.

(c) To suggest rules, regulations and standards for the administration of this division.

(d) To encourage, whenever necessary and possible the coordination on a regional basis of community mental health resources, with the purpose of avoiding duplication and fragmentation of services.

(e) To mediate disputes between counties and the state arising under this part.

5765. The state five-year mental health plan shall be submitted to the Health Planning Council for review and recommendations as to conformance with California's comprehensive statewide health plan. The state five-year mental health plan shall be submitted on an annual basis or as often as there are amendments or changes thereto.

It is the intent of the Legislature to carefully review the state five-year mental health plan prior to the adoption of the budget in the 1970–1971 fiscal year. To this end, the Department of Mental Hygiene shall report to the Legislature on the plan and any changes therein no later than the fifth legislative day of the 1970 Regular Session and each subsequent regular session of the Legislature.

5766. The Citizens Advisory Council may utilize such staff of the central and regional offices of the Department of Mental Hygiene as are available, and such staff of all other public or private agencies which have an interest in the mental health of the public and which are able and willing to provide such services.

5767. All departments of state government, as well as each facility named in the County Short-Doyle Plan, are encouraged to cooperate with, and provide such information, records, documents, and studies as the Citizens Advisory Council may request.

SEC. 3. Section 48 of Chapter 1667 of the Statutes of 1967 is amended to read:

Sec. 48 Sections 1 to 42, inclusive, of this act, except for Chapters 4.5 and 5 of Division 7 of the Welfare and Institutions Code as added by Section 40 of this act, shall become operative on July 1, 1969; Chapter 5 of Division 7 of the Welfare and Institutions Code as added by Section 40 of this act shall

become operative upon the completion and acceptance of the construction of the institute for which an appropriation for planning was provided by Item 354 of the Budget Act of 1965, at which time Chapter 4.5 of Division 7 of the Welfare and Institutions Code as added by Section 40 of this act shall cease to be operative.

SEC. 4. This act shall become operative on July 1, 1969, except for Section 3 of this act and for Sections 5604, 5650, 5658, 5659, 5756, 5760, and 5763, as added to the Welfare and Institutions Code by Section 2 of this act, which shall become operative on the 61st day after the final adjournment of the 1968 Regular Session of the Legislature.

SEC. 5. Any section of any other act enacted at the 1968 Regular Session of the Legislature, which operates on any section upon which this act also operates shall prevail over this act during the period from the date upon which such other act becomes operative to the date upon which this act becomes operative, at which time such other act is repealed.

CHAPTER 990

An act to amend Sections 40704, 40761, 40812, 40844, 40845, 40846, and 40847 of, and to repeal Sections 40703 and 40848 of, the Agricultural Code, relating to tomatoes, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 40703 of the Agricultural Code is repealed.

SEC. 1.5. Section 40704 of the Agricultural Code is amended to read:

40704. "Well colored" means that the average color of the tomato flesh is 66⅔ percent good red tomato color.

SEC. 2. Section 40761 of the Agricultural Code is amended to read:

40761. The director by regulation may do all of the following:

(a) Prescribe methods of selecting samples of lots, loads, or containers of tomatoes for canning purposes which shall be reasonably calculated to produce by such sampling fair representations of the entire lot, load, or container sampled.

(b) Establish the official colors which depict the color standards and requirements established by this chapter.

(c) Establish and record on the certificate items or conditions affecting lots, loads or containers of tomatoes for canning purposes other than those defects listed in Article 6 (commencing with Section 40841) of this chapter, provided any such recorded items or conditions shall not be cause for rejection by the director.

(d) Adopt and enforce such other regulations as are reasonably necessary for the enforcement of this chapter.

SEC. 3. Section 40812 of the Agricultural Code is amended to read:

40812. If the director finds that the tomatoes which are being delivered conform with the standards of Article 6 (commencing with Section 40841) of this chapter as being suitable for canning purposes, he shall issue a certificate which shows all of the following:

(a) The percentage of tomatoes that are suitable for canning purposes for each delivery.

(b) Separately, the percentage of tomatoes in each delivery which are not suitable for canning under subdivision (a), under subdivision (b), and under subdivisions (c) to (h), inclusive, of Section 40844.

(c) The percentage of tomatoes that are suitable for canning purposes which are well-colored.

SEC. 4. Section 40844 of the Agricultural Code is amended to read:

40844. A tomato shall not be regarded as suitable for canning purposes if, as established by inspection of a representative sample, it has any of the following defects:

(a) Any worm or worm damage is present which has penetrated the flesh of the tomato.

(b) In excess of 10 percent of the weight of the tomato cannot be used for canning purposes due to the presence of mold.

(c) In excess of 20 percent of the weight of the tomato cannot be used for canning purposes due to the presence of rot.

(d) In excess of 25 percent of the weight of the tomato cannot be used for canning purposes due to the presence of sunburn, sunscald, growth cracks, insect bites, pest infections, hail damage, green or yellow color at the stem end, or other imperfections which are not specified in this article.

(e) The tomato is sufficiently overripe to make it useless for canning purposes.

(f) The tomato is shriveled, frozen, or frosted.

(g) The tomato is not well-colored.

(h) The tomato is green with no visible shade of red color on the external surface.

SEC. 5. Section 40845 of the Agricultural Code is amended to read:

40845. Any load of tomatoes which is offered for delivery to a canner shall be rejected and turned back to the grower if in excess of 2 percent of the delivery, by weight, does not comply with subdivision (a) of Section 40844 or if in excess of 8 percent of the delivery, by weight, does not comply with subdivision (b) of Section 40844.

SEC. 5 5. Section 40846 of the Agricultural Code is amended to read:

40846. Any load of tomatoes which is offered for delivery to a canner shall be rejected and turned back to the grower if in excess of 15 percent of the delivery, by weight, does not

comply with subdivisions (a) to (h), inclusive, of Section 40844.

SEC. 6. Section 40847 of the Agricultural Code is amended to read:

40847. Any load of tomatoes which is offered for delivery to a canner shall be rejected and turned back to the grower if more than 2 percent of the delivery by weight is green as defined in subdivision (h) of Section 40844.

SEC. 7. Section 40848 of the Agricultural Code 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:

In order for the provisions of this act to be effective during the current tomato season, this act must take effect immediately.

CHAPTER 991

An act to add Chapter 5 (commencing with Section 55700) to Part 2 of Division 2 of Title 5 of the Government Code, relating to tax sharing by local agencies, and calling a special election for that purpose.

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

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

SECTION 1. Chapter 5 (commencing with Section 55700) is added to Part 2 of Division 2 of Title 5 of the Government Code, to read:

CHAPTER 5. TAX SHARING

Article 1. Bradley-Burns Revenues

55700. As used in this article, "local agency" means a county, city and county, and city, both chartered and general law.

55701. As used in this article, "legislative body" means the board of supervisors in the case of a county or city and county and the city council or board of trustees in the case of a city.

55702. As used in this article, "revenue" means revenue derived from the tax collected pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law provided for in Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code.

55703. Except as specifically provided in this article, and unless the context otherwise requires, terms used in this article shall have the same meaning as the meaning accorded them in

the Sales and Use Tax Law provided for in Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

55704. In any case in which a legislative body, by resolution, determines that one or more retailers have been established, or will be established, in one local agency and that consumers residing in one or more other local agencies are, or will be, purchasing tangible personal property from such retailers to the extent that equity requires the revenues of such local agency be distributed in a fair and just manner to all local agencies concerned, a contract may be entered into pursuant to this article to apportion the revenue of the local agency in which such retailers are located. Each local agency desiring to become a party to such a contract, shall, by resolution, so state and name the party authorized by the local agency to sign the contract on the agency's behalf.

55705. The apportionment of revenue pursuant to this article shall be on such terms as the parties may agree pursuant to a contract signed by the individuals authorized by the resolution of each legislative body of a local agency which is a party thereto.

55706. A copy of the contract and a copy of each resolution shall be transmitted to the auditor, or officer holding the equivalent position, of each local agency which is a party to the contract. Thereafter, upon the receipt of revenues transmitted by the State Board of Equalization pursuant to Section 7204 of the Revenue and Taxation Code, the auditor or equivalent officer shall allocate the funds pursuant to the terms of the contract.

SEC. 2. (a) A special election is hereby called to be held throughout the state on the fifth day of November, 1968. The special election shall be consolidated with the general election to be held on the same date Such consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. At such consolidated election there shall be submitted to the electors, in addition to such other measures as may be submitted in accordance with law, the constitutional amendment to add Section 25 5 to Article XIII of the Constitution to provide a system of local tax sharing, as proposed by Assembly Constitutional Amendment No. 36 of the 1968 Regular Session of the Legislature. Except as otherwise provided in this section, all of the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature and to arguments for and against such measures shall apply to the measure submitted pursuant to this section.

(b) Within five days after the effective date of this section, or within five days after the adoption by the Legislature of Assembly Constitutional Amendment No. 36 of the 1968 Regular Session, whichever occurs later, the author of the constitutional amendment and one member of the opposite house who voted with the majority on the amendment, shall be ap-

pointed by the presiding officers of the respective houses to draft the argument for the adoption of the measure. If the constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within 10 days after the effective date of this section, or within 10 days after the adoption by the Legislature of Assembly Constitutional Amendment No. 36 of the 1968 Regular Session, whichever occurs later.

(c) Upon the effective date of this section or upon the adoption by the Legislature of Assembly Constitutional Amendment No. 36 of the 1968 Regular Session, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for the measures submitted pursuant to this section and shall also request the Legislative Counsel to prepare an analysis of said measure in accordance with Section 3566 of the Elections Code. Said title and said analysis shall be filed with the Secretary of State within 10 days after the effective date of this section, or within 10 days after the adoption by the Legislature of Assembly Constitutional Amendment No. 36 of the 1968 Regular Session, whichever occurs later. The measure submitted pursuant to this section shall be designated on the ballots at the election by its ballot title.

(d) This section calls an election within the meaning of Article IV of the Constitution and shall go into immediate effect.

SEC. 3. Section 1 of this act shall become operative only if the addition of Section 25.5 to Article XIII of the Constitution of the State of California proposed by Assembly Constitutional Amendment No. 36 of the 1968 Regular Session of the Legislature is approved by the voters; in which case, Section 1 of this act shall become operative on January 1, 1969.

SEC. 4. The Legislature finds and declares that new shopping centers continue to open, as merchants strive to keep pace with California's rapid development. Frequently, these new shopping centers draw their patrons from a wide area which reaches far outside the boundaries of the local agency in which the shopping center is located. When this occurs, the surrounding cities and unincorporated areas experience a sharp drop in retail sales, which causes a corresponding reduction in sales tax revenues in adjacent entities of local government. It has sometimes happened that newer, more elaborate shopping areas have opened and superseded relatively new shopping centers in popularity, causing local agencies which experienced a short term gain in sales tax revenues to impose additional bur-

densome property taxes to provide the same level of services.

In order to ease these unpredictable fluctuations in local sales tax revenues and in order to enable the electors to vote on this matter at the earliest opportunity, it is necessary that this act provide for the submission to the voters of Assembly Constitutional Amendment No. 36 on November 5, 1968.

CHAPTER 992

An act to add Sections 20812, 20813, and 20814 to the Education Code, relating to school district taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 20812 is added to the Education Code, to read:

20812. For the purpose of providing funds for the repair of school buildings, underground gas lines, underground water lines, and underground utility lines that were constructed or installed at least 15 years prior to the date of the adoption of the annual school district budget, and to replace or repair equipment of the district, except school buses, on which guaranties and warranties have expired, school district taxes may be levied, if approved at an election as provided in Section 20803, and collected annually at the same time and in the same manner as other district taxes are levied and collected. The tax shall be in addition to any other district tax now or hereafter authorized by law, and shall not be considered in fixing maximum rates of tax for school district purposes. The moneys received from such taxes shall be deposited in the county treasury to the credit of the school district repair and maintenance fund, the establishment of which is hereby authorized.

The tax authorized by this section shall not exceed fifteen cents ($0.15) on each one hundred dollars ($100) of the assessed valuation of property within the district in each fiscal year.

If at the end of any school year, there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school years for expenditures of the school district required for purposes of this section.

If at the end of any school year, the total balance in the fund exceeds the amount which would be produced if a tax of forty-five cents ($0.45) on each one hundred dollars ($100) of assessed valuation of property within the district was levied in that school year, no tax authorized by this section shall be levied in the succeeding school year.

Any interest earned on the revenue of the increase in tax rates hereby provided shall be credited to such fund until the fund reaches the maximum limit specified in the preceding paragraph. Any interest earned thereafter shall be credited to the general fund of the school district.

Any interest earned on such revenue shall not be considered as miscellaneous income to the school district.

SEC. 2. Section 20813 is added to the Education Code, to read:

20813. The maximum rate of school district tax for any school district is hereby increased by such amount as will, when levied against each one hundred dollars ($100) of assessed value of property in the district, produce the amount necessary to recover any loss in revenues suffered and not recouped in the prior fiscal year through the omission to levy statutory maximum tax rate increases required to be levied under Sections 6913.1, 11706, 14210, 14214, 19443, 19619, 20801, 20801.5, 20807, 20808, and 25541.5 of this code, and Section 20532 of the Government Code.

The provisions of this section shall be operative only for the 1968–69 school year and shall have no force or effect thereafter.

SEC. 3. Section 20814 is added to the Education Code, to read:

20814. For purposes of any law requiring the maximum tax rate of a school district to be fixed on the basis of the revenues received by the district, whether from state subventions or local taxation, or both, the county superintendent of schools shall adjust such revenue factor to produce a higher maximum tax rate which will reflect the lower revenues received by the district as a result of any omission to levy the statutory maximum tax rate increases required to be levied under Section 20813 in any fiscal year. Such additional revenue shall be placed in the general fund of the district.

The provisions of this section shall be operative only for the 1968–69 school year and shall have no force or effect thereafter.

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:

A number of school districts are faced with critical financial needs for the 1968–1969 fiscal year, which can be provided for under the provisions of this act. In order that the taxing authority afforded by this act may be availed of by such districts immediately following the beginning of the 1968–1969 fiscal year, it is essential that this act take effect immediately.

CHAPTER 993

An act to add Sections 7555, 7604.7, 8058, 8160.1, and 8572.5 to the Education Code, relating to courses of study, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 7555 is added to the Education Code, to read:

7555. Upon request of the governing board of any school district, the State Board of Education may, for a number of years to be specified by the board, grant the district exemption from one or more of the course of study requirements set forth in this division. The exemption may be renewed. Such exemption may be granted only if the board deems that the request made is an essential part of a planned experimental curriculum project which the board determines will adequately fit the educational needs and interests of the pupils.

The request for exemption shall include all of the following elements:

(a) Rationale for the planned experimental curriculum project.

(b) Objectives of the planned experimental curriculum project.

(c) Plans for the administration and conduct of the planned experimental curriculum project, including the use of personnel, facilities, time, techniques, and activities.

(d) Plans for testing and evaluation of the planned experimental curriculum project.

(e) Plans for necessary revisions, if any, of the planned experimental curriculum project.

(f) Plans for reporting to the State Board of Education on the planned experimental curriculum project.

SEC. 2. Section 7604.7 is added to the Education Code, to read:

7604.7. Notwithstanding any other provision in this chapter, on and after July 1, 1968, instruction in a foreign language or languages shall not be required in the course of study for any grade.

SEC. 3. Section 8058 is added to the Education Code, to read:

8058. Upon request of the governing board of any school district, the State Board of Education may, for a number of years to be specified by the board, grant the district exemption from one or more of the course of study requirements set forth in this division. The exemption may be renewed. Such exemption may be granted only if the board deems that the request made is an essential part of a planned experimental cur-

riculum project which the board determines will adequately fit the educational needs and interests of the pupils.

The request for exemption shall include all of the following elements:

(a) Rationale for the planned experimental curriculum project.

(b) Objectives of the planned experimental curriculum project.

(c) Plans for the administration and conduct of the planned experimental curriculum project, including the use of personnel, facilities, time, techniques, and activities.

(d) Plans for testing and evaluation of the planned experimental curriculum project.

(e) Plans for necessary revisions, if any, of the planned experimental curriculum project.

(f) Plans for reporting to the State Board of Education on the planned experimental curriculum project.

SEC. 4. Section 8160.1 is added to the Education Code, to read:

8160 1. Notwithstanding the provisions of Section 8159, pupils enrolled in the elementary schools, except pupils excused, shall be required to attend upon the courses of physical education for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period. Notwithstanding the provisions of Section 8160, pupils enrolled in the junior or senior high schools, 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.

SEC. 5. Section 8572.5 is added to the Education Code, to read:

8572.5. Notwithstanding the provisions of Sections 8551 and 8572, instruction in physical education in an elementary school district maintaining grades 1 to 8 shall be for a total period of time of not less than 200 minutes each 10 schooldays, exclusive of recesses and the lunch period.

SEC. 6. 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 Sections 1, 2, and 4 of this act shall become operative immediately and Sections 3 and 5 of this act shall become operative at the same time as Senate Bill No. 1 takes effect. At the time Senate Bill No. 1 takes effect, Section 7555 of the Education Code as added by Section 1 of this act, Section 7604.7 of the Education Code as added by Section 2 of this act, and Section 8160.1 of the Education Code as added by Section 4 of this act are repealed.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

In order that school districts may apply for an exemption from one or more of the required courses of study, as an essential part of a planned experimental curriculum project, for the 1968–1969 school year, and in order that the school districts may adequately prepare and plan for their 1968–1969 school year curriculum if such an exemption is granted, and in order that school districts may implement important provisions of Senate Bill No. 1 at the commencement of the 1968–1969 school year, it is necessary that this act take immediate effect.

CHAPTER 994

An act to amend Section 25457.3 of, the Education Code, relating to junior college district organization, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 25457.3 of the Education Code is amended to read:

25457.3. Notwithstanding the provision of Section 25457.2, the Board of Governors of the California Community Colleges may grant a one-year extension of time for submitting plans and recommendations upon request of the county committee on school district organization and the executive officer of the board of governors. Appeals for exception to the provision of Section 25457.2 must be made to the board of governors by the county committee on school district organization and the executive officer of the board of governors on or before September 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:

In order for county committees on school district organization who are confronted with unusual circumstances to receive an extension of time for required junior college district organization studies, this act must take effect immediately.

CHAPTER 995

An act to amend Sections 7785, 7790, 7791, 7805, 7805.5, and 7807 of, to add Sections 7805.1 and 7807.2 to, and to repeal Section 7807.1 of, the Education Code, and to amend Sections 5779, 5781, 5782, 5789, 5790, and 5792 of, to add Sections 5789.5 and 5792.5 to, and to repeal Section 5792.1 of, the Education Code, as proposed by Senate Bill No. 1, relating to reading courses, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 7785 of the Education Code is amended to read:

7785. 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. The State Board of Education shall determine the form in which the results of uniform tests under this article shall be reported to the Department of Education, and beginning with the tests administered in the 1968–69 school year to second and third grade pupils, shall require, in addition to reports presently required for purposes of Section 7791, and as based on publishers' norms, that such reports include a distribution, based on first grade test results, of the number of months of progress achieved for each year the pupils have been in school.

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 7790) of this chapter and Chapter 10 (commencing with Section 12851) of Division 9.

SEC. 1.5. For the purposes of reports based on first grade test results of the number of months of progress achieved for each year the pupils have been in school, the Superintendent of Public Instruction is authorized, for the 1968–1969 academic year, to permit partial but representative reports from a district with more than 400,000 units of average daily attendance, provided that he shall require adequate justification for any such request by the district.

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

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

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

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

SEC. 2.5. Section 7791 of the Education Code is amended to read:

7791. 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 7785) of this chapter, the basic quota established pursuant to Section 7790 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 7790 shall be increased as ordered by the Department of Education following an investigation of the circumstances of the district.

SEC. 2.6. Section 5782 of the Education Code, as proposed by Senate Bill No. 1, is amended to read:

5782. 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.

SEC. 3. Section 7805 of the Education Code is amended to read:

7805. Beginning with the 1966–1967 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.

For programs to be conducted during the 1969–1970 fiscal year and each fiscal year thereafter, such applications shall be filed with the Superintendent of Public Instruction on or before July 1 in order to be eligible for an allowance during the year.

SEC. 3.5. Section 7805.1 is added to the Education Code, to read:

7805.1. Beginning with 1968–69 fiscal year a district not eligible pursuant to Section 7790 may apply for an allowance for the employment of specialist teachers. The application shall be made pursuant to the provisions of Section 7805, but shall also provide assurance that the district has funds to meet one-half of the cost of employing specialist teachers.

Allowance approved under this section shall be one-half of the amount computed pursuant to Section 7808, except that no amount shall be allowed as salary allotments for professional school librarians.

SEC. 4. Section 7805.5 of the Education Code is amended to read:

7805.5. Pursuant to its authority under Section 7772, 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 7805. 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.

Beginning with the 1969–1970 fiscal year and each fiscal year therafter, the Superintendent of Public Instruction shall notify each district of his action on the application, including the estimated allowance to be provided based upon the application filed pursuant to Section 7805. Such notice shall be given to each district prior to September 1 following the receipt of the application. The total of the estimated allowances determined pursuant to this section for all applicant districts shall not exceed the funds appropriated therefor.

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.

SEC. 5. Section 7807 of the Education Code is amended to read:

7807. 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 7771.

The system shall be designed to give priority to districts in the following order:

(a) First, to insure that the districts participating in the program during the preceding fiscal year, which continue to be eligible, will not be required to reduce programs below the level of the preceding year.

(b) Second, to insure that applications for expansion of programs and applications for new programs in eligible districts be considered on a priority basis in terms of the percent of pupils in the district receiving scores in the first quartile of scores established on a statewide basis for the reading tests administered pursuant to Article 3 (commencing with Section 7785) of this chapter to the extent that appropriations will allow.

(c) Third, to insure, to the extent that appropriations allow, consideration of applications made pursuant to Section 7805.5 under the same priority basis established in subdivision (b) of this section.

Beginning with the 1969–70 fiscal year and each fiscal year thereafter, the Superintendent of Public Instruction shall determine and use the relative need of the district for specialist teachers as measured by the percentage of pupils in grades 2 and 3 that, based upon test results in grade 1 administered pursuant to Article 3 (commencing with Section 7785) of this chapter, failed to progress at least one year for each year in school.

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.

SEC. 6. Section 7807.1 of the Education Code is repealed.

SEC. 7. Section 7807.2 is added to the Education Code, to read:

7807.2. The Superintendent of Public Instruction shall by rule and regulation establish a procedure for each district provided an allowance pursuant to this article to report, on or before April 1 of each year, the program actually maintained. If the Superintendent of Public Instruction finds that the school district failed to conduct the program in full or in part as previously approved, the allowances shall be corrected accordingly.

SEC. 8. Section 5779 of the Education Code, as proposed by Senate Bill No. 1, is amended to read:

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.

The State Board of Education shall determine the form in which the results of uniform tests under this article shall be reported to the Department of Education, and beginning with the tests administered in the 1968–69 school year to second and third grade pupils, shall require, in addition to reports presently required for purposes of Section 5782, and as based on publishers' norms, that such reports include a distribution, based on first grade test results, of the number of months of progress achieved for each year the pupils have been in school.

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.

SEC. 9. Section 5781 of the Education Code, as proposed by Senate Bill No. 1, is amended to read:

5781. Beginning with the fiscal year 1967–68, each school district which was eligible for state equalization aid in the second principal apportionment of either or both of the first or second preceding fiscal year, and which maintains grades 1, 2, and 3 at the elementary level shall compute a basic quota of certificated employees to be appointed specialist teachers, of one such employee for each 125 units of average daily attendance in grades 1, 2, and 3 and any additional fraction thereof; provided that:

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

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

SEC. 10. Section 5789 of the Education Code, as proposed by Senate Bill No. 1, is amended to read:

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.

For programs to be conducted during the 1969–70 fiscal year and each fiscal year thereafter, such applications shall be filed with the Superintendent of Public Instruction on or before July 1 in order to be eligible for an allowance during the year.

SEC. 11. Section 5789.5 is added to the Education Code, to read:

5789.5. Beginning with 1968–69 fiscal year a district not eligible pursuant to Section 5781 may apply for an allowance for the employment of specialist teachers. The application shall be made pursuant to the provisions of Section 5789, but

shall also provide assurance that the district has funds to meet one-half of the cost of employing specialist teachers.

Allowance approved under this section shall be one-half of the amount computed pursuant to Section 5793, except that no amount shall be allowed as salary allotments for professional school librarians.

SEC. 12. Section 5790 of the Education Code, as proposed by Senate Bill No. 1, is amended to read:

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.

Beginning with the 1969–70 fiscal year each fiscal year thereafter, the Superintendent of Public Instruction shall notify each district of his action on the application, including the estimated allowance to be provided based upon the application filed pursuant to Section 5789. Such notice shall be given to each district prior to September 1 following the receipt of the application. The total of the estimated allowances determined pursuant to this section for all applicant districts shall not exceed the funds appropriated therefor.

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.

SEC. 13. Section 5792 of the Education Code, as proposed by Senate Bill No. 1, is amended to read:

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.

The system shall be designed to give priority to districts in the following order:

(a) First, to insure that the districts participating in the program during the preceding fiscal year, which continue to be eligible, will not be required to reduce programs below the level of the preceding year.

(b) Second, to insure that applications for expansion of programs and applications for new programs in eligible districts be considered on a priority basis in terms of the percent of pupils in the district receiving scores in the first quartile of scores established on a statewide basis for the reading tests administered pursuant to Article 3 (commencing with Section

5779) of this chapter to the extent that appropriations will allow.

(c) Third, to insure, to the extent that appropriations allow, consideration of applications made pursuant to Section 5789.5 under the same priority basis established in subdivision (b) of this section.

Beginning with the 1969–70 fiscal year and each fiscal year thereafter, the Superintendent of Public Instruction shall determine and use the relative need of the district for specialist teachers as measured by the percentage of pupils in grades 2 and 3 that, based upon test results in grade 1 administered pursuant to Article 3 (commencing with Section 5779) of this chapter, failed to progress at least one year for each year in school.

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.

SEC. 14. Section 5792.1 of the Education Code, proposed by Senate Bill No. 1, is repealed.

SEC. 15. Section 5792.5 is added to the Education Code, to read:

5792.5. The Superintendent of Public Instruction shall by rule and regulation establish a procedure for each district provided an allowance pursuant to this article to report, on or before April 1 of each year, the program actually maintained. If the Superintendent of Public Instruction finds that the school district failed to conduct the program in full or in part as previously approved, the allowances shall be corrected accordingly.

SEC. 16. Section 2.6 and Sections 8 to 15, 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 7785, 7790, 7791, 7805, 7805.5, and 7807 of the Education Code, as amended by Sections 1, 2, 2.5, 3, 4, and 5 of this act, and Sections 7805.1 and 7807.2 of the Education Code, as added by Sections 3.5 and 7 of this act, are repealed.

SEC. 17. This act is an urgency measure for the immediate preservation of the public peace, 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 changes in eligibility for allowances with respect to special reading programs may become effective at the earliest possible time it is necessary that this act take immediate effect.

CHAPTER 996

An act to amend Sections 11808 and 11809 of the Vehicle Code, relating to vehicle salesman licenses.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 11808 of the Vehicle Code is amended to read:

11808. Every application for the renewal of a vehicle salesman's license which expires on the thirtieth day of June shall be made by the person to whom issued between June 1st and midnight of June 30th preceding such expiration date and shall be made by presenting the application form provided by the department and by payment of the full annual renewal fee for such license.

SEC. 2. Section 11809 of the Vehicle Code is amended to read:

11809. The following fee shall be paid to the department:

(a) Application fee for the original issuance of a license	$15
(b) Annual renewal fee (June 1 to June 30)	10
(c) Change of employing dealer fee	2

CHAPTER 997

An act to repeal Chapter 2 (commencing with Section 1080) of Division 5 of the Military and Veterans Code, relating to the Woman's Relief Corps Home of California.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Chapter 2 (commencing with Section 1080) of Division 5 of the Military and Veterans Code is repealed.

CHAPTER 998

An act to amend Sections 74700, 74702, 74703, 74722, 74723, and 74725 of the Government Code, relating to courts.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 74700 of the Government Code is amended to read:

74700. This article applies to the municipal court established in a district embracing the cities of Santa Rosa, Sebastopol, Rohnert Park, and Cotati, designated as the Central Judicial District.

SEC. 2. 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. 3. Section 74703 of the Government Code is amended to read:

74703. The clerk may appoint:

(a) One assistant clerk who 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 of six hundred forty-four dollars ($644).

(b) Four deputy clerks, grade III, each of whom shall receive a minimum salary of four hundred fifty-eight dollars ($458) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-six dollars ($26) to a maximum of five hundred fifty-six dollars ($556).

(c) Five deputy clerks, grade II, each of whom 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).

(d) Six 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 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. 5. 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. 6. 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 999

An act to amend Section 4012 of the Vehicle Code, relating to registration of vehicles.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 4012 of the Vehicle Code is amended to read:

4012. Any vehicle, implement, or equipment specifically designed or altered for and used exclusively in the maintenance

or operation of cemetery grounds, which is only incidentally operated or moved on a highway is exempt from registration.

CHAPTER 1000

An act to amend Section 20251 of the Education Code, relating to county forest reserve school money.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 20251 of the Education Code is amended to read:

20251. The county auditor of any county, receiving money from the government of the United States pursuant to any act of Congress providing for the distribution and payment to states and territories of a fixed and definite percentage of the money received by the government of the United States from the forest reserves established therein, shall apportion the money pursuant to Section 29484 of the Government Code. The county superintendent of schools, with the approval of the county board of education, may allocate 15 percent of the funds from such money for use for the improvement of educational programs for students in the county. The balance of the money credited to the forest reserve account in the county school service fund from the United States Forest Reserve Fund in the State Treasury shall be apportioned by the county superintendent of schools to school districts of the county lying within or adjacent to the United States forest reserve with approval of the county board of education in a manner which shall be prescribed prior to the 30th day of June of the fiscal year next following the year in which received.

When a portion of the area of a county is subject to the jurisdiction of the county superintendent of schools of another county or counties and such portion lies in or adjacent to the United States forest reserve, no apportionment of such money shall be made from the county school service fund without the approval of the county boards of education of both or all counties. In the event that both or all county boards of education do not concur in the apportionments of such money from the county school service fund prior to the first day of April of any year the county superintendent of schools of both or all counties shall on that date notify the Superintendent of Public Instruction who shall, not later than 60 days following notification, make the apportionments. Apportionments made by the Superintendent of Public Instruction are final.

Money apportioned pursuant to this section shall be deposited by the county auditor to the credit of the several funds as directed by the county superintendent of schools with the approval of the county board of education.

CHAPTER 1001

An act to add Section 12762 to, and to repeal Section 12762 of, the Health and Safety Code, relating to signaling devices.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 12762 of the Health and Safety Code is repealed.

SEC. 2. Section 12762 is added to the Health and Safety Code, to read:

12762. The State Fire Marshal shall, subject to such restrictions as are deemed necessary and specified in regulations adopted by him and upon written application exempt from the provisions on fireworks, signaling devices used or intended for use on or in any automobile, truck, boat, vessel, railroad, airplane or any other means of transportation when such devices are certified in writing as meeting the standards of federal or state agencies for such purpose.

This exemption shall remain in effect so long as the devices continue to meet the standard of the applicable federal or state agencies. Application for such exemption shall be made on forms provided by the State Fire Marshal by the manufacturer and shall be accompanied by an application fee of one hundred dollars ($100).

CHAPTER 1002

An act relating to physicians and surgeons.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Notwithstanding any other provision of law to the contrary, including any provision of the Medical Practice Act (Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code), the Board of Medical Examiners of the State of California shall permit any person who meets all of the following requirements to take a physician's and surgeon's oral examination:

(a) Is a graduate of a medical school which grants a doctor of medicine degree.

(b) Is licensed to practice medicine by another state after written examination.

(c) Has engaged in the practice of medicine for at least 10 years.

(d) Was commissioned as a medical officer in the California National Guard, federally recognized, for a period of at least three years, and who was a legal resident of this state during such time.

(e) Is a legal resident of this state.

If the applicant successfully passes a physician's and surgeon's oral examination, the board shall issue him a physician's and surgeon's certificate.

CHAPTER 1003

An act to amend Section 7076 of, and to repeal Section 7068.3 of, the Business and Professions Code, relating to contractor's license.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 7068.3 of the Business and Professions Code is repealed.

SEC. 2. Section 7076 of the Business and Professions Code is amended to read:

7076. In case of the death or the disassociation of any member of a licensed partnership for any reason whatsoever, the surviving partner or partners shall be entitled to continue in business under such license for a reasonable length of time to be determined by rules of the board, provided application for permission is made to the registrar within 30 days after death or disassociation of the partner, and such application is approved by the registrar.

In the case of the disassociation of a licensed partnership, the provisions of this section shall not apply except to those contracts which have been entered into by the partnership, or to such business on which performance has been commenced by the partnership, before such disassociation.

In case of the death of a person licensed as an individual, a member of the immediate family of the deceased licensee shall be entitled to continue the business under the same license for a reasonable length of time to be determined by rules of the board, provided application for permission is made to the registrar within 30 days after the death of the licensee and such application is approved by the registrar.

A license so extended under Sections 7068.2 and 7076 is subject to all other provisions of this chapter.

CHAPTER 1004

An act to amend Section 675 of the Vehicle Code, relating to vehicle salesmen.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 675 of the Vehicle Code is amended to read:

675. (a) "Vehicle salesman" is a person not otherwise expressly excluded by this section, who:

(1) Is employed as a salesman by a dealer as defined in Section 285, or who, under any form of contract, agreement, or arrangement with a dealer, for commission, money, profit, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate, a sale, or exchange of an interest in a vehicle required to be registered under this code; or

(2) Induces or attempts to induce any person to buy or exchange an interest in a vehicle required to be registered, and who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle; or

(3) Exercises managerial control over the business of a licensed vehicle dealer or who supervises vehicle salesmen employed by a licensed dealer, whether compensated by salary or commission, including but not limited to any person who is employed by said dealer as a general manager, assistant general manager or sales manager, or any employee of a licensed vehicle dealer who negotiates with or induces a customer to enter into a security agreement or purchase agreement or purchase order for the sale of a vehicle on behalf of said licensed vehicle dealer.

(b) The term "vehicle salesman" does not include:

(1) Representatives of insurance companies, finance companies, or public officials who in the regular course of business, are required to dispose of, or sell vehicles under a contractual right or obligation of the employer, or in the 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 any loss or pursuant to the authority of a court of competent jurisdiction.

(2) Persons who sell or distribute vehicles to dealers holding a license under the provisions hereof, 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 to retail purchasers, they shall be deemed to be vehicle salesmen and are subject to the provisions of Article 1 (commencing with Section 11700), of Chapter 1, of Division 5.

(3) Persons exclusively employed in a 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.

(4) 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.

(5) Persons regularly employed as salesmen by persons who are engaged in a business involving the purchase, sale or exchange of boat trailers.

(6) Persons regularly employed as salesmen by 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.

(7) Persons licensed as a vehicle dealer under this code doing business as a sole ownership or member of a partnership or a stockholder and director of a corporation licensed as a vehicle dealer under this code, provided, however, that such persons shall engage in the activities of a salesman as defined herein exclusively on behalf of said sole ownership or partnership or corporation in which they own an interest or stock, and those persons owning such stock shall be directors of such corporation; otherwise, they shall be deemed to be vehicle salesmen and subject to the provisions of Article 2 (commencing with Section 11800) of Chapter 4, Division 5.

CHAPTER 1005

An act to add Section 6010.7 to the Revenue and Taxation Code, relating to sales and use taxes, to take effect immediately, tax levy.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 6010.7 is added to the Revenue and Taxation Code, to read:

6010.7. Paragraph (5) of subdivision (g) of Section 6006, paragraph (5) of subdivision (e) of Section 6010, and Section 6094.1 shall have no application to a lease of a chemical toilet unit. Such a lease is a "sale" and "purchase" and the taxes imposed by this part apply measured by the lease or rental price accordingly, regardless of whether the unit is leased in substantially the same form as acquired and regardless of whether sales tax reimbursement or use tax has been paid.

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, this act shall not become operative until the first day of the calendar quarter following the calendar quarter in which the act becomes effective.

CHAPTER 1006

An act to amend Section 10607 of the Education Code, relating to suspension of pupils.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 10607 of the Education Code is amended to read:

10607. No pupil shall be suspended from an elementary school for more than two consecutive weeks.

No pupil shall be suspended from a secondary school for more than the duration of the current semester. For secondary schools not operated on the basis of a school term regularly divided into semesters, the governing board shall select a date approximating the midpoint of the term for purposes of the preceding sentence. All summer school sessions maintained at a secondary school shall, for purposes of this paragraph, be deemed to constitute a single semester.

On or before the third consecutive school day of any given period of suspension, the parent or guardian of the pupil involved shall be asked to attend a meeting with school officials, at which time the causes, the duration, the school policy involved, and other matters pertinent to the suspension, shall be discussed. If the parent or guardian fails to join in such a conference, the school officials shall send him by mail a letter stating the fact that suspension has been implemented and setting forth all other data pertinent to the action.

CHAPTER 1007

An act to amend Sections 213, 1063, 3505, 3511, and 5001 of, and to repeal Chapter 2 (commencing with Section 3901) of Division 2 of, the Public Utilities Code, relating to motor vehicle carriers.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 213 of the Public Utilities Code is amended to read:

213. "Highway common carrier" means every corporation or person owning, controlling, operating, or managing any autotruck, or other self-propelled vehicle not operated upon rails, used in the business of transportation of property as a common carrier for compensation over any public highway in this state between fixed termini or over a regular route, except passenger stage corporations transporting baggage and express upon passenger vehicle incidental to the transportation of passengers.

"Highway common carrier" does not include any such corporation or person while operating within lawfully established pickup and delivery limits of a common carrier in the performance for such carrier of transfer, pickup, or delivery services provided for in the lawfully published tariffs of such carrier insofar as such pickup and delivery limits do not include territory in excess of three miles from the corporate limits of any city or three miles from the post office of any unincorporated point.

SEC. 2. Section 1063 of the Public Utilities Code is amended to read:

1063. No highway common carrier, cement carrier, or petroleum irregular route carrier, shall begin to operate any autotruck, or other self-propelled vehicle, for the transportation of property for compensation on any public highway in this state without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation. No such certificate shall be required of any highway common carrier as to the fixed termini between which or the route over which it was actually operating as a highway common carrier on July 26, 1917, and in good faith continuously thereafter, or for the performance of pickup, delivery, or transfer services by such carrier within such carrier's lawfully published pickup and delivery zones insofar as such pickup and delivery limits do not include territory in excess of three miles from the corporate limits of any city or three miles from the post office of any unincorporated point. The commission shall grant a certificate to operate as a cement carrier to any cement carrier as to the counties to and within which it was actually transporting cement as a cement carrier in good faith within one year prior to June 1, 1963, and continuously thereafter, provided such cement carrier applies to the commission for such certificate prior to December 31, 1963, and submits adequate proof of such prior operations. The delivery of one or more loads of cement either in bulk or in packages to a point in a particular county shall constitute adequate proof of such prior operations and shall entitle the applicant to authority to serve all points in said county from any and all points of origin. Any right, privilege, franchise, or permit held, owned, or obtained by any highway common carrier, cement carrier, or petroleum irregular route carrier, may be sold, leased, trans-

ferred, or inherited as other property, only upon authorization by the commission.

SEC. 3. Section 3505 of the Public Utilities Code is amended to read:

3505. The provisions of this chapter do not apply to:

(a) The transportation of baggage and express which is incidental to the transportation of passengers by passenger stage corporations as defined in Section 226.

(b) The transportation by towing of a disabled vehicle.

SEC. 4. Section 3511 of the Public Utilities Code is amended to read:

3511. "Highway carrier" means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in transportation of property for compensation or hire as a business over any public highway in this state by means of a motor vehicle, except that "highway carrier" does not include:

(a) Any farmer resident of this state who occasionally transports from the place of production to a warehouse, regular market, place of storage, or place of shipment the farm products of neighboring farmers in exchange for like services or for a cash consideration or farm products for compensation.

(b) Persons or corporations hauling their own property.

(c) Any farmer operating a motor vehicle used exclusively in the transportation of his livestock and agricultural commodities or in the transportation of supplies to his farm

(d) Any nonprofit agricultural cooperative association organized and acting within the scope of its powers under Chapter 4, Division 6 of the Agricultural Code to the extent only that it is engaged in transporting its own property or the property of its members.

(e) Any person exclusively transporting United States mail pursuant to a contract with the United States government.

SEC. 5. Chapter 2 (commencing with Section 3901) of Division 2 of the Public Utilities Code is repealed.

SEC. 6. Section 5001 of the Public Utilities Code is amended to read:

5001. This chapter is enacted for the purpose of correlating and regulating the rates charged for the transportation of property by the various transportation agencies in the state subject to the jurisdiction of the commission and for the purpose of creating a special fund to administer and enforce the acts conferring upon the commission jurisdiction to regulate the rates of transportation agencies carrying property for compensation and to administer and enforce the Highway Carriers' Act.

CHAPTER 1008

An act to amend Sections 10960 and 10962 of the Welfare and Institutions Code, relating to public assistance appeals.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 10960 of the Welfare and Institutions Code is amended to read:

10960. Within 30 days after receiving the proposed decision of a referee adopted by the director or a decision issued by the director himself, the affected county or applicant or recipient may file a request with the director for a rehearing and the director, within 10 days after receipt of the request, shall grant or deny the request. If the director grants the request, the rehearing shall be conducted in the same manner and subject to the same time limits as the original hearing. If action is not taken by the director within the time allowed, the request shall be deemed denied.

SEC. 2. Section 10962 of the Welfare and Institutions Code is amended to read:

10962. The applicant or recipient or the affected county, within one year after receiving notice of the director's final decision, may file a petition with the superior court, under the provisions of Section 1094.5 of the Code of Civil Procedure, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case. Such review, if granted, shall be the exclusive remedy available to the applicant or recipient or county for review of the director's decision. The director shall be the sole respondent in such proceedings.

No filing fee shall be required for the filing of a petition pursuant to this section. Any such petition to the superior court shall be entitled to a preference in setting a date for hearing on the petition. No bond shall be required in the case of any petition for review, nor in any appeal therefrom. The applicant or recipient shall be entitled to reasonable attorney's fees and costs, if he obtains a decision in his favor.

CHAPTER 1009

An act to amend Section 16 of, and to add Section 6.3 to, the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), and to amend Section 55668.1 of the Water Code, relating to the Ventura County districts engaged in flood control or water supply activities.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 16 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session) is amended to read:

Sec. 16. If the issuance of the bonds is authorized at said election, the said board of supervisors may thereafter adopt a resolution or resolutions providing for the issuance of all or any part of the bonds authorized at said election. Said resolution shall prescribe the form of the bonds and of the interest coupons attached thereto, and shall fix the times of the maturities of the 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 board may fix a date, not more than 10 years from the date of issuance, for the earliest maturity of each issue or series of bonds, and defer the payment of the first installment of principal of each issue or series of bonds accordingly. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth of the principal amount of such issue or series shall be paid every year; provided, however, the bonds of any issue or series may be made to mature and become payable in approximately equal total annual installments of principal and interest during the term of the bonds, computed from the first year in which any part of the principal shall mature to the date of final maturity, which annual installments may vary one from the other in amounts not exceeding in any year more than 5 percent of the total principal amount of the bonds of such issue or series thereof then proposed to be issued. The final maturity date of any bond shall not exceed 40 years from the date of the bond. The board may provide 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 may be issued in such denomination or denominations as the board of supervisors may prescribe, and each bond shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bond, which rate shall not be in excess of six percent (6%)

per annum, and shall be payable annually or semiannually. Said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Ventura County, and the seal of said district shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the Auditor of Ventura County by his 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 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. Section 6.3 is added to the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), to read:

Sec. 6.3. The board of supervisors is authorized and empowered at any time and from time to time to annex territory to or withdraw territory from a special zone or to terminate a special zone after payment of all debts of said zone. Annexation to or withdrawal of territory from a special zone or termination after payment of all debts of a special zone may be accomplished on order of the board after notice and public hearing before the board and findings by the board as hereinafter indicated. In the case of a proposed annexation of territory to a special zone, notice of the hearing shall be published in a newspaper of general circulation within the territory proposed to be included within said special zone, if there be one, otherwise notice of the meeting shall be posted in at least seven places within the territory proposed to be included within said special zone. In the case of a proposed withdrawal of territory from or termination of a special zone, notice of the hearing shall be published in a newspaper of general circulation within said special zone, if there be one, otherwise notice of the meeting shall be posted in at least seven places within said special zone. Said notice shall describe the boundaries of the existing special zone and the boundaries of the territory proposed to be annexed or withdrawn from said zone, as the case may be, and shall contain a general statement of the nature of the work proposed to be done. At the hearing any interested party may appear and protest the proposed change. In the case of a proposed annexation if in the opinion of the board the territory proposed to be annexed will receive a special benefit from annexing to a special zone, the board shall enter its order annexing such territory to said zone. In the case of a proposed withdrawal or termination if in the opinion of the board the territory proposed to be withdrawn will receive no special benefit from remaining in the special zone or the land included within a special zone has no outstanding debts and will receive no special benefit from continuation of the zone, as the case may be, the board shall enter its order withdrawing such territory from the special zone or

terminating the special zone as the case may be. Any territory annexed to a special zone shall be liable for payment of principal and interest and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds or any thereafter authorized or incurred contractual or other obligations or expenses of said special zone and shall be subject to the levying or fixing and collection of any special zone taxes or assessments or fees or charges or all of them, including but not limited to taxes or assessments pursuant to Sections 6.2 and 19 of this act for payment of principal and interest on any bonded indebtedness of the special zone, as may be necessary to provide for such payment. Any territory withdrawn from a special zone shall remain liable for payment of principal and interest on any outstanding or then authorized and issued bonds of the special zone and discharge of contractual or other obligations or expenses existing or authorized prior to such withdrawal and shall be subject to the levying or fixing and collection of any special zone taxes or assessments or fees or charges or all of them, including but not limited to taxes or assessments pursuant to Sections 6.2 and 19 of this act for payment of principal and interest on any bonded indebtedness of the special zone, as may be necessary to provide for such payment. All assets of a special zone which is terminated shall be paid to the general fund of and belong to the zone within which the terminated special zone shall have been situated.

SEC. 4. Section 55668.1 of the Water Code is amended to read:

55668.1. If the board determines that property (hereinafter called the "benefited property") within the district is receiving service from improvements which do not benefit the district as a whole and such benefited property is not obligated to pay for any portion of such improvements by means of a special rate or special tax but other property within the district is paying for such improvements by a special rate or tax, and if the board determines further that unless such benefited property is obligated to pay its pro rata share of the cost of improvements it will benefit unjustly and cast an inequitable burden on the property paying for such improvements, the board, after public hearing to determine the benefited property, by resolution adopted by $\frac{4}{5}$ vote of all of its members, may declare a special zone formed, describing the boundaries of the benefited property and the board thereupon shall be authorized to fix and collect a special rate or charge so that such benefited property shall pay its pro rata share of the capital cost of such improvements.

This section shall remain in effect until the 61st day after the final adjournment of the 1970 Regular Session of the Legislature, and shall have no force or effect after that date.

This section shall only apply to the Ventura County Waterworks District No. 6. It is hereby declared to be necessary to

enact this special law with respect to such district because of special facts and circumstances existing therein:

Due to inadvertence, a portion of the district, although receiving the benefits of certain public improvements acquired by the district, is not included within the area of the district which is being assessed to pay the bond interest and principal of the bonds issued to finance acquisition of the public improvements. Under existing law no zone can be created unless a petition is presented by owners representing at least 25 percent of the total assessed valuation of the real property within such proposed zone. Property owners of the benefited land will not request that they be made part of the existing zone and be subject to assessments for their pro rata share of the improvement costs. Thus, this special law is necessary in order to require the owners of land, benefited by the improvements but excluded from the existing zone, to pay their pro rata share of the cost of such improvements.

SEC. 5. The provisions in Section 1 of this act amending Section 16 of the Ventura County Flood Control Act to the effect that 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 and to the effect that no bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect is intended to be declaratory of existing law.

CHAPTER 1010

An act to add Section 14000.3 to the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 14000.3 is added to the Welfare and Institutions Code, to read:

14000.3. To the extent permitted by federal law, the Administrator of the Health and Welfare Agency may enter into contracts with the Secretary of Health, Education, and Welfare to obtain or provide fiscal intermediary services for all persons who are receiving benefits under Chapter 7 (commencing with Section 14000) and Chapter 8 (commencing with Section 14500) of Part 3 of this division, who are also recipients of benefits under Title XVIII of the Social Security Act.

CHAPTER 1011

An act to add Section 14119 to the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 14119 is added to the Welfare and Institutions Code, to read:

14119. The director shall employ sufficient consultants to assure compliance with the provisions of this code and the regulations, and the protection of the best interests of the state, and no county shall employ such consultants. However, if the director finds that it is not reasonable in specific cases to transfer to state employment a consultant employed by a county and that the consultant function is being performed according to statewide standards, he may authorize the county to continue to provide that particular consultant service.

As used in this section, a "consultant" means a person who reviews the procedures, charges and services of providers under this chapter and Chapter 8 (commencing with Section 14500) of this part, and who grants prior authorizations to providers.

SEC. 2. Section 1 of this act shall become operative on July 1, 1969.

SEC. 3. Prior to July 1, 1969, the Health and Welfare Administrator may employ consultants, as defined in Section 1 of this act, on an area basis.

CHAPTER 1012

An act to amend Sections 1816 and 1820 of the Revenue and Taxation Code, relating to property taxation, and making an appropriation therefor.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 1816 of the Revenue and Taxation Code is amended to read:

1816. After commencement of a survey in any county pursuant to Section 1815, the board at monthly intervals shall deliver or mail notice to the assessor of the county that appraisals completed during the preceding monthly period are available for examination and discussion with the board's appraisers. The notice shall identify the properties appraised and state the appraised values thereof. The board shall also

mail to the assessee of the property a notice of the market value of the property as appraised by the board. The notice shall be addressed to the assessee as his name and address appear on the roll.

SEC. 2. Section 1820 of the Revenue and Taxation Code is amended to read:

1820. No appraisal data relating to individual properties obtained for the purposes of any survey under this chapter shall be made public, and no state or local officer or employee thereof gaining knowledge thereof in any action taken under this chapter shall make any disclosure with respect thereto except as that may be required for the purposes of this chapter Nothing herein shall prohibit disclosure of appraisal data by the board or the assessor to the assessee of the property to which the data relate.

During the 30-day period following mailing of the notice to the assessee pursuant to Section 1816, the board shall permit an assessee of property to inspect, at the appropriate intercounty equalization division office of the board, any information and records relating to an appraisal of his property, except information and records which also relate to the property or business affairs of a person other than the assessee.

Nothing in this section shall be construed as preventing examination of such data by law enforcement agencies, grand juries, boards of supervisors, or their duly authorized agents, employees, or representatives conducting an investigation of an assessor's office pursuant to Section 25303 of the Government Code, and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine such data.

SEC. 3. There is hereby appropriated from the General Fund to the State Board of Equalization the sum of thirty-one thousand four hundred eighty-one dollars ($31,481) in order to carry out the purposes of this act.

CHAPTER 1013

An act to amend Section 31754 of the Education Code, relating to coverage for athletic teams.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 31754 of the Education Code is amended to read:

31754. The coverage provided under this article shall not exclude additional or broader coverage by an educational institution or its student body organization. Notwithstanding any other provision of this article, protection for medical and

hospital expenses resulting from accidental bodily injuries, in amounts prescribed in Section 31752, may be provided by any corporation eligible to act as a carrier pursuant to Section 14057 of the Welfare and Institutions Code, and such coverage will be deemed to meet the requirements of this article.

CHAPTER 1014

An act to add Sections 7457, 7458, and 7459 to the Education Code, relating to regional occupational centers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1968 Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 7457 is added to the Education Code, to read:

7457. Whenever the establishment and maintenance of a regional occupational center by two or more school districts has been undertaken pursuant to an agreement entered into in accordance with 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, provision may be made for the issuance of bonds for construction and other capital expenditure for the regional occupational center. An election shall be called, held, and conducted in the manner provided in Chapter 6 (commencing with Section 1301) of Division 4 of this code, on the question of the approval of the issuance of such bonds. If, at the election, the requisite number of voters cast their ballots in favor of the issuance of bonds, the bonds shall be issued and sold in the manner provided by law for the issuance and sale of bonds of a high school district. The issuance and sale of such bonds shall be deemed to be an act of the governing board of a high school district.

The total amount of bonds issued shall not exceed one-half of 1 percent of the taxable property of the area served by the regional occupational center as shown by the last equalized assessment roll of the county or counties which the center serves, and as modified pursuant to Section 17262.

Bonds issued and sold pursuant to this section shall be retired from proceeds of the tax under the provisions of Section 7456.

SEC. 2. Section 7458 is added to the Education Code, to read:

7458. For the purposes of receiving advances of funds from the county treasury only, a regional occupational center shall be deemed to be a school district.

SEC. 3. Section 7459 is added to the Education Code, to read:

7459. A regional occupational center established and maintained pursuant to 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 shall receive in annual operating funds from the participating school districts an amount per unit of average daily attendance as follows:

(a) From each participating school district which is not eligible for state equalization aid, four hundred seventy-two dollars ($472).

(b) From each participating school district which is eligible for state equalization aid, but not eligible for the increase in foundation program pursuant to Article 2.1 (commencing with Section 17671) of Chapter 3 of Division 14, four hundred seventy-two dollars ($472).

(c) From each participating school district which is eligible for state equalization aid and is eligible for the increase in foundation program pursuant to Article 2.1 (commencing with Section 17671) of Chapter 3 of Division 14, four hundred ninety-two dollars ($492).

(d) From each participating school district which is eligible for state equalization and is not eligible for the increase in foundation program pursuant to Article 2.1 (commencing with Section 17671) of Chapter 3 of Division 14, but is eligible for supplemental support, five hundred twelve dollars ($512).

(e) From each participating school district which is eligible for state equalization aid, and is eligible for the increase in foundation program pursuant to Article 2.1 (commencing with Section 17671) of Chapter 3 of Division 14, and is eligible for supplemental support, five hundred thirty-two dollars ($532).

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:

Regional occupational centers are vitally important in the technical and vocational training programs of this state in order to prepare people for a more useful role in society. The complex administrative details involved in crediting state apportionments for pupils enrolled in regional occupational centers and in providing more adequate procedures for the construction of needed facilities necessitate that a regional occupational center be recognized as a separate entity for limited purposes. In order that regional occupational centers may be granted such status and continue their vital training programs that serve the social and economic needs of the area they serve, it is necessary that this act go into effect immediately.

CHAPTER 1015

An act to add Sections 55533 and 55534 to the Water Code, relating to county waterworks districts.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 55533 is added to the Water Code, to read:

55533 Any bonds issued by the district may be subject to call and redemption prior to maturity at such times and prices and upon such other terms as the board may specify.

SEC. 2. Section 55534 is added to the Water Code, to read:

55534. When bonds are made callable, a statement to that effect shall be set forth on the face of the bond.

CHAPTER 1016

An act to amend Section 24072 of, and to add Section 24082 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 24072 of the Business and Professions Code is amended to read:

24072. The following transfer fees shall be charged by the department: (a) The fee for transfer of a license other than a retail license from a licensee to another person is a fee equal to 70 percent of the annual fee for the license, except as provided in Section 24071. Section 23322 shall not apply to this transfer fee. (b) The fee for transfer of a retail license from a licensee to another person is a fee equal to 50 percent of the original fee for the license, but not to exceed one thousand two hundred fifty dollars ($1,250), or if no original fee is provided for by law, one hundred dollars ($100). (c) Except as provided in Section 24082, the fee for transfer of a license from one premises to another premises is one hundred dollars ($100). (d) Notwithstanding the other fee provisions of this section, the fee for a transfer of an off-sale general license from one county to another county shall be three thousand dollars ($3,000).

All money collected from the fees provided for in this section shall be deposited directly in the General Fund in the State Treasury, rather than in the Alcohol Beverage Control Fund as provided in Section 25761.

SEC. 2. Section 24082 is added to the Business and Professions Code, to read:

24082. The license of a licensee whose licensed premises have been destroyed as the result of fire or act of God or have been taken under the power of eminent domain, may be transferred to another location within the same county without payment of the fee for transfer of a license from one premises to another premises. Within six months of the fire or act of God, if the destroyed premises have been reconstructed and the license has not been transferred to another person, the license may be transferred back to the location of the destroyed premises without payment of the fee for transfer of a license from one premises to another premises.

CHAPTER 1017

An act to add Article 11 (commencing with Section 41001) to Chapter 2 of Division 16 of the Agricultural Code, relating to the Canning Tomato Advisory Committee.

[Approved by Governor August 6, 1968 Filed with Secretary of State August 6, 1968]

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

SECTION 1 Article 11 (commencing with Section 41001) is added to Chapter 2 of Division 16 of the Agricultural Code, to read:

Article 11. Canning Tomato Advisory Committee

41001. As used in this article, "committee" means the Canning Tomato Advisory Committee.

41002. There is in the department the Canning Tomato Advisory Committee, which consists of 10 members The director shall appoint five members who shall be producers of tomatoes for canning and five members who shall be representatives of handlers engaged in the canning of tomatoes.

41003. In making his selection of the membership of the committee the director shall take into consideration the recommendations of organizations and associations of producers of tomatoes for canning and of handlers of tomatoes for canning.

41004 The term of office of the members of the committee is three years. Appointment of the first members of the committee shall be so made that the terms of office of two of such members shall expire at the end of one year, four at the end of two years, and four at the end of three years. Thereafter appointments shall be for full three-year terms. Any vacancies which occur during an unexpired term shall be filled by appointment for the unexpired term.

41005. The committee shall be advisory to the director on all matters pertaining to standards for tomatoes for canning purposes. The committee may do any of the following:

(a) Recommend to the director administrative regulations which relate to methods and procedures of selecting samples of lots, loads or containers of tomatoes for canning purposes, and to the establishment of color standards and requirements to be established pursuant to this chapter.

(b) Recommend to the director administrative regulations which relate to the administration and enforcement of this chapter.

(c) Recommend to the director the institution and promotion of scientific research.

(d) Recommend to the director whether or not there shall be sampling for conditions not now shown on the certificate of inspection for canning tomatoes, provided any such recorded items or conditions shall not be cause for rejection by the director.

41006. The committee shall meet at the call of its chairman or at the request to the director of any three members of the committee. It shall meet at least once each year

41007. The meetings of the committee shall be held in the office of the department at Sacramento, or elsewhere within the state if necessary for the proper performance of its duties

41008. The members of the committee shall not be paid travel expenses, per diem, or any other consideration.

CHAPTER 1018

An act to amend Sections 17920 and 17952 of, to amend and renumber Sections 17935, 17937, 17938, and 17940 of, and to repeal Sections 17930, 17931, 17932, 17933, 17939, and 17941 of, the Health and Safety Code, relating to State Housing Law appeals procedure.

[Approved by Governor August 6, 1968 Filed with Secretary of State August 6, 1968]

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

SECTION 1. Section 17920 of the Health and Safety Code is amended to read:

17920. As used in this part:

(a) "Commission" means the Commission of Housing and Community Development.

(b) "Department" means the Department of Housing and Community Development.

SEC. 2. Section 17930 of the Health and Safety Code is repealed.

SEC. 3. Section 17931 of the Health and Safety Code is repealed.

SEC. 4. Section 17932 of the Health and Safety Code is repealed.

SEC. 5. Section 17933 of the Health and Safety Code is repealed.

SEC. 6. Section 17935 of the Health and Safety Code is amended and renumbered to read:

17931. The commission may promulgate rules pertaining to hearing appeals. All such rules shall be made in accordance with the provisions of the Administrative Procedure Act (Chapter 4.5, commencing with Section 11371, of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 7. Section 17937 of the Health and Safety Code is amended and renumbered to read:

17930. The commission shall hear appeals brought by any person as to the application of any rule or regulation of the commission, promulgated pursuant to this part, to such person under any facts and circumstances presented to the commission by such person alleging that the application or enforcement of any such rule or regulation by the department under such facts and circumstances is an erroneous or unlawful application or enforcement of such rule or regulation by the department. Any such appeal shall be submitted through the designated local agency.

The commission shall not, however, hear any appeals regarding local regulations which are equal to or greater than those prescribed by this part.

SEC. 8. Section 17938 of the Health and Safety Code is amended and renumbered to read:

17932. A decision of the commission made pursuant to Section 17930 is final, except for such action as may be taken by a court as permitted or required by law.

SEC. 9. Section 17939 of the Health and Safety Code is repealed.

SEC. 10. Section 17940 of the Health and Safety Code is amended and renumbered to read:

17933. All records of the appeals hearing shall be open to inspection by the public during regular office hours.

SEC. 11. Section 17941 of the Health and Safety Code is repealed.

SEC. 12. Section 17952 of the Health and Safety Code is amended to read:

17952. In the event of nonenforcement of this part or the rules and regulations promulgated pursuant thereto or of any ordinance or local regulation adopted pursuant to Section 17951, the provisions of this part and the rules and regulations promulgated thereunder shall be enforced by the department in any such city or county after the department has given written notice to the governing body of such city or county of a violation of this part or the rules or regulations promulgated thereunder and the city or county has failed to initiate proceedings to secure correction of the violation within 30 days of the date of such notice. The city or county may request a

hearing before the commission pursuant to Section 17930 within said 30 days to show cause for nonenforcement. Enforcement by the department shall not be initiated until the decision of the commission, adverse to the city or county, is rendered.

CHAPTER 1019

An act to repeal Article 2 (commencing with Section 31400) of, and to add Article 2 (commencing with Section 31400) to, Chapter 5, Division 13 of the Vehicle Code, relating to farm labor transportation.

[Approved by Governor August 6, 1968 Filed with Secretary of State August 6, 1968]

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

SECTION 1. Article 2 (commencing with Section 31400), Chapter 5, Division 13 of the Vehicle Code is repealed.

SEC. 2. Article 2 (commencing with Section 31400), Chapter 5, Division 13 is added to the Vehicle Code, to read:

Article 2. Vehicles Transporting Workmen

31400. Trucks used primarily or regularly for the transportation of workmen shall be:

(a) Equipped with seats securely fastened to the vehicle.

(b) Equipped, if a motortruck, with a railing or other suitable enclosure on the sides and end of the vehicle not less than 46 inches above the floor of the vehicle.

(c) Equipped with steps, stirrups, or other equivalent devices so placed and arranged that the vehicle may be safely mounted and dismounted.

31401. (a) The department shall adopt regulations designed to promote the safe operation of farm labor vehicles described in Sections 322 and 323, including, but not limited to, vehicular design, equipment, passenger safety, and seating.

(b) The department may inspect any vehicle subject to these regulations in maintenance facilities, terminals, labor camps, or other private property to insure compliance with the provisions of this code and regulations adopted pursuant to this section.

(c) Violation of any provision of these regulations shall be a misdemeanor.

SEC. 3. The Department of the California Highway Patrol may prepare regulations for adoption on the operative date of this act which are designed to promote the safe operation of farm labor vehicles described in Sections 322 and 323 of the Vehicle Code, relating to vehicular design, equipment, passenger safety, seating, and such other items as reasonably necessary to promote the safe operation of such vehicles.

SEC. 4. Sections 1 and 2 of this act shall become operative July 1, 1969.

CHAPTER 1020

An act to add Division 6.5 (commencing with Section 15500) to the Vehicle Code, relating to vehicle transactions with minors.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Division 6.5 (commencing with Section 15500) is added to the Vehicle Code, to read:

DIVISION 6.5. MOTOR VEHICLE TRANSACTIONS WITH MINORS

CHAPTER 1. DRIVER'S LICENSE REQUIREMENTS

15500. It is unlawful for any minor who does not possess a valid driver's license issued under this code to order, purchase or lease, attempt to purchase or lease, contract to purchase or lease, accept, or otherwise obtain, any vehicle of a type subject to registration.

15501. It is unlawful for any minor to present or offer to any person offering for sale or lease or to give or otherwise furnish thereto any motor vehicle of a type subject to registration, a driver's license which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing or leasing, attempting to purchase or lease, contracting to purchase or lease, accepting, or otherwise obtaining such a vehicle.

CHAPTER 1021

An act to amend Sections 11705, 11713, 11802, 11803, and 11806 of the Vehicle Code, relating to vehicle dealers, transporters, manufacturers, and salesmen.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 11705 of the Vehicle Code is amended to read:

11705. The department after notice and hearing may suspend or revoke the license and certificate issued to a dealer, transporter, or manufacturer, upon determining that any said person is not lawfully entitled thereto, has made or knowingly or negligently permitted any 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 for the registration of a vehicle or otherwise committed a fraud in such application, failed to deliver to a transferee lawfully entitled thereto a properly endorsed certificate of ownership, used duplicate dealers' reports of sale or copies contrary to the provisions of Section 4456, has knowingly purchased, sold, or otherwise acquired or disposed of a stolen motor vehicle, 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 of the terms and provisions of Division 3 (commencing with Section 4000), Division 4 (commencing with Section 10500), or Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 of this code, or any of the rules and regulations adopted pursuant to the provisions of Division 3 (commencing with Section 4000) or Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 or Section 1651 of this code, or Part 5 (commencing with Section 10701), Division 2 of the Revenue and Taxation Code, or Sections 2981 or 2982 of the Civil Code, or has been convicted of a felony or a crime involving moral turpitude.

When a check, draft, or money order submitted to the department by any transporter, manufacturer, or dealer 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 transporter, manufacturer, or dealer.

Any of the causes specified in Section 11703 as a cause for refusal to issue a license and certificate to a transporter, manufacturer, or dealer applicant, shall be cause, after notice and hearing, to suspend or revoke a license and certificate issued to a transporter, manufacturer, or dealer.

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. 2. Section 11713 of the Vehicle Code is amended to read:

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article:

(a) To intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 665 of this code.

(e) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(f) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(g) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the state unless such amount has in fact been paid by the dealer prior to such sale.

(h) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing with Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(i) To deliver, following sale, a vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 of this code.

(j) To use or permit the use of the special plates assigned to him for any purpose other than permitted by Section 11715.

(k) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no down payment is required in connection with the sale of a vehicle when a down payment is in fact required and the buyer is advised or induced to finance such down payment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(l) To participate in the sale of a motor vehicle reported to the Department of Motor Vehicles under the provisions of Section 5900 of this code without making the return and payment of any sales tax due and required by Section 6451 of the Revenue and Taxation Code.

(m) To permit the use of his dealer's license, certificate, supplies, or books by any other person for the purpose of permitting that person to engage in the sale of vehicles required to be registered under this code, or to permit the use of his dealer's license, certificate, supplies, or books to operate a branch location to be used by any other person, if, in either situation, the licensee has no financial or equitable interest or investment in the vehicles sold by, or the business of, or branch location used by, such person, or has no such interest or investment other than commissions, compensations, fees, or any other thing of value received for the use of the dealer's license, certificate, supplies, or books to engage in the sale of vehicles.

(n) To disconnect, turn back, or reset the odometer of any motor vehicle in violation of Section 28050 or 28051.

SEC. 3. Section 11802 of the Vehicle Code is amended to read:

11802. (a) The department shall issue a vehicle salesman's license when satisfied that the applicant has furnished the required information, and that he intends in good faith to act as a vehicle salesman, and has paid the fees as required in Section 11809.

(b) The department may refuse to issue or may suspend or revoke a license, when satisfied that:

1. The information contained in the application is incorrect.

2. The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.

(a) The conviction of a crime, including a conviction after a plea of nolo contendere, involving moral turpitude shall be prima facie evidence that the applicant or licensee is not of good moral character.

3. The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with an activity licensed under the authority of this chapter.

4. The applicant or licensee does not hold a valid California driver's license.

5. The applicant or licensee was previously the holder of or was a partner in a partnership or was an officer, director, or stockholder involved in management of a corporation which was the holder of a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the department or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

6. The applicant or licensee has violated any of the terms and provisions of Sections 2981 or 2982 of the Civil Code.

7. The applicant or licensee has committed any of those acts prohibited by Section 11806 of this article.

8. The applicant or licensee has failed to surrender possession of, or failed to return any vehicle to a dealer lawfully entitled thereto upon termination of employment.

9. The applicant or licensee has failed to pay over funds or property received in the course of employment to the dealer entitled thereto.

10. The applicant or licensee has knowingly purchased, sold or otherwise acquired or disposed of a stolen motor vehicle.

(c) Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a vehicle salesman's license. The temporary permit shall permit the operation by the salesman for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such a license. Such temporary permit shall be invalid when the applicant's license has been issued or refused.

(d) The department may issue a probationary vehicle salesman's license upon any ground or grounds contained in subdivision (b) of this section subject to conditions to be ob-

served in the exercise of the privilege granted either upon application for issuance of a license or upon application for renewal of a license. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

SEC. 4. Section 11803 of the Vehicle Code is amended to read:

11803. (a) If the department suspends or revokes a vehicle salesman license, the licensee shall be entitled to an appropriate hearing. Such hearing shall be conducted pursuant to Chapter 5 (commencing at Section 11500), of Part 1, Division 3, Title 2 of the Government Code.

(b) If the department issues or renews a vehicle salesman license requiring conditions of probation or if the department refuses to issue a vehicle salesman license the applicant shall be entitled to demand in writing a hearing as hereinabove provided before the director or his representative within 60 days after notice of refusal or issuance of the probationary license.

(c) A person whose application for a license has been denied may reapply for such license after a period of not less than one year has elapsed from the date of filing of such denial, provided however that if such denial was filed under the authority of subsections 3, 4, and 5 of Section 11802(b) of this code, an earlier reapplication may be made accompanied by evidence satisfactory to the department that such grounds no longer exist.

SEC. 5. Section 11806 of the Vehicle Code is amended to read:

11806. It shall be unlawful and cause for disciplinary action for the holder of any license issued under this article:

(a) To intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 665.

(e) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(f) To enter into an agreement to pay a commission or fee to any person not licensed as a salesman pursuant to Article 2 (commencing with Section 11800) of this chapter.

(g) To knowingly use or permit the use of special plates assigned to the employing dealer for any purpose other than permitted by Section 11715.

(h) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or on behalf of the employing dealer, that no down payment is required in connection with the sale of a vehicle when a down payment is in fact required and the buyer is advised or induced to finance such down payment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(i) To act as a dealer by purchasing and selling vehicles while employed or licensed to a licensed dealer without reporting the same to the dealer or utilizing the report of sale documents issued to the dealer.

(j) To act as a vehicle salesman or to engage in such activity for or on behalf of more than a single employer who shall be a licensed dealer, except that nothing contained in this section shall be deemed to restrict the number of dealerships in which a person may be an owner, officer, or director.

CHAPTER 1022

An act to amend Section 5557 of the Education Code, relating to accreditation of high schools.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 5557 of the Education Code is amended to read:

5557. The governing board of a district maintaining a high school may pay the costs of accreditation of the school by any accrediting association.

(a) The accrediting association shall have each year, as one member of each of its accrediting commissions for public schools, a representative of the State Department of Education, who shall be appointed by the Superintendent of Public Instruction.

(b) Each visiting team assigned by the accrediting association to examine a school may have as a member, except in cases of unavoidable absence due to illness or other emergency, a representative of the State Department of Education, who shall be appointed by the Superintendent of Public Instruction.

CHAPTER 1023

An act to amend Section 1 of Chapter 1306 of the Statutes of 1965, relating to Columbia Historic State Park.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 1 of Chapter 1306 of the Statutes of 1965 is amended to read:

Section 1. The Department of Parks and Recreation may transfer and convey to a local public entity, corporation, or district, subject to the conditions specified in Section 2, all right, title and interest of the state to the following described property:

All that property, both real and personal, located in Tuolumne County, State of California, which constitutes the waterworks now being operated by the state and serving the Columbia Historic State Park and property adjacent thereto, including but not limited to all water rights now owned by the state, to take and use water from property commonly known as Matelot Springs, and other existing appliances or appurtenances necessary and presently used in the operation of said waterworks as determined by the Department of Parks and Recreation.

All that property, both real and personal, located in Tuolumne County, State of California, which constitutes the works and facilities for the collection, treatment and disposal of sewage and waste waters now being operated by the state and serving the Columbia Historic State Park and property adjacent thereto, including any other existing appliances or appurtenances necessary and presently used in the operation of said sewer system as determined by the Department of Parks and Recreation.

CHAPTER 1024

An act to amend Sections 6481, 6481.5, 6483, and 6485 of the Education Code, relating to compensatory education.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 6481 of the Education Code is amended to read:

6481. From moneys specially appropriated therefor by the Legislature, grants shall be made to school districts pursuant to this article for projects approved by the Director of Com-

pensatory Education involving a particular school or schools to be expended for the employment and in-service education of teachers in grades kindergarten or 1 through 6, with special emphasis on kindergarten and primary grades, and any needed teacher materials and supplies to the end that the number of pupils in these grades in relation to each full-time equivalent classroom teacher in the particular school will be reduced to a ratio of 25 to 1.

For purposes of this article a full-time equivalent classroom teacher is a person employed in a position requiring certification qualifications and whose duties require him to teach pupils in regular day classes for the full time for which he is employed during the regular schoolday. In computing the total number of full-time equivalent classroom teachers, there shall be included, in addition to the employees defined in the preceding sentence, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in regular day classes during the regular schoolday.

SEC. 2. Section 6481 5 of the Education Code is amended to read:

6481.5. It is the intent and purpose of the Legislature that the money appropriated for the purposes of this article be expended primarily for the employment of teachers to the end that the number of pupils in the designated grades in relation to each full-time equivalent classroom teacher be reduced to and sustained at a ratio of 25 to 1. Emphases shall be placed on kindergarten and primary grades for the purpose of continuing to provide small classes for children with preschool experiences. The Director of Compensatory Education shall consider this intent in approving projects submitted pursuant to this article. In the event an applicant district is unable to employ the number of teachers necessary to effect the purposes of this article, the Director of Compensatory Education, notwithstanding the provisions of Section 6481, is authorized to approve projects that provide for the employment of noncertificated teachers' aides for grades kindergarten or 1 through 6, inclusive, to the end that the number of pupils in those grades in relation to the number of both classroom teachers and teachers' aides employed for such grades shall not exceed 20 to 1. All teachers' aides shall be trained in a specially designed in-service education program Not more than 25 percent of the total allocated to a school district shall be devoted to the employment of teachers' aides. The use of any portion of the total allocated shall be approved for the employment of noncertificated teachers' aides by the Director of Compensatory Education only upon certification of the applicant district, approved by the county superintendent of schools which has jurisdiction over the applicant district, that teachers are unavailable for employment in accordance with the primary legislative intent of this article.

SEC. 3. Section 6483 of the Education Code is amended to read:

6483. Apportionments for purposes of this article shall be made upon order of the Superintendent of Public Instruction and by warrant of the State Controller. Moneys apportioned shall be expended precisely as directed by the Director of Compensatory Education, with not more than five percent (5%) of the total apportionments expended for in-service education.

SEC. 4. Section 6485 of the Education Code is amended to read:

6485. The Director of Compensatory Education shall require that the class size reduction project undertaken pursuant to this article be coordinated with and be an integral part of the school district's overall compensatory education plan and evaluation report, and that a significant portion of all funds which may be received by a district for purposes of this chapter shall be devoted to the purposes of this article.

CHAPTER 1025

An act to add Chapter 8 (commencing with Section 5700) to Division 6, Title 1, of the Government Code, relating to state bonds.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Chapter 8 (commencing with Section 5700) is added to Division 6, Title 1, of the Government Code, to read:

CHAPTER 8. SALE OF STATE BONDS

5700. "Bonds" as used in this chapter means any bonds or other evidences of indebtedness issued after the effective date of this chapter by the state or any state department, board, agency or authority.

5701. The provisions of this chapter apply to every bond regardless of any other provision of law or any provision of the bond's authorization.

5702. The State Treasurer shall be the sole agent for offering and selling bonds. In selling bonds on behalf of any department of state government or agency of the state, the State Treasurer shall schedule the sale of such bonds in such a manner that the sale shall be coordinated with the program of such department or agency necessitating the sale of such bonds.

5703. The provisions of this chapter affect only the agent for the sale of bonds and do not affect the bond or any rights or obligations from it in any other respect.

CHAPTER 1026

An act to amend and renumber the heading of Chapter 10 (commencing with Section 6101) of Part 1 of Division 4 of, and to add Chapter 10 (commencing with Section 6051) to Part 1 of Division 4 of the Agricultural Code, relating to cotton abatement districts.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. The heading of Chapter 10 (commencing with Section 6101) of Part 1 of Division 4 of the Agricultural Code is amended and renumbered to read:

CHAPTER 11. CAPRIFIGS AND CAPRIFIG TREES

SEC. 2. Chapter 10 (commencing with Section 6051) is added to Part 1 of Division 4 of the Agricultural Code, to read:

CHAPTER 10. COTTON PESTS ABATEMENT DISTRICTS

6051. Cotton pests abatement districts may be organized and established by the board of supervisors of any county in this state, pursuant to the provisions of this chapter, and may exercise the powers expressly granted, or necessarily implied, by those provisions.

The district may include land in different counties with the consent of the board of supervisors of the counties affected. The county which includes the majority of acreage in the district shall be designated the principal county. The agricultural commissioner and county officers in the principal county shall perform the acts required by the provisions of this chapter. District funds shall be deposited in the treasury of the principal county.

The provisions of Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of the Government Code and of the District Reorganization Act of 1965, shall not be applicable to cotton pests abatement districts organized pursuant to the provisions of this chapter.

6052. In order to propose the organization of a cotton pests abatement district, a petition shall be presented to the board of supervisors of the county where the lands included within the proposed district are situated. The petition may consist of any number of separate instruments. The petition shall be signed by 25 percent of the cottongrowers or by 25 cottongrowers who grow cotton within the proposed district, whichever is less.

6053. Upon receipt of the petition, the board of supervisors shall direct the agricultural commissioner to create a reg-

ister of all cottongrowers growing cotton within the proposed district describing the net acreage of land devoted to the growing of cotton by each grower.

6054. The agricultural commissioner shall file the cottongrowers register within 60 days of receipt of the order from the board of supervisors or by March 1st whichever date is the latest. The agricultural commissioner shall file with the register of cottongrowers a report and recommendation to the board of supervisors whether conditions of disease, insect or other pests of cotton warrant the board of supervisors in proceeding with the organization of such district.

6055. The proponents of the formation of the district may, within 30 days of the receipt by the board of supervisors of the register of cottongrowers from the agricultural commissioner, file with the board of supervisors a petition for the establishment of the district signed by not less than 50 percent of the cottongrowers who grow not less than 65 percent of the cotton within the proposed district or not less than 65 percent of the cottongrowers who grow not less than 50 percent of the cotton grown within the proposed district.

The petition presented to the board of supervisors pursuant to Section 6052 shall satisfy the requirements of this section if it contains the number of signatures required by this section.

6056. Upon receipt of the petition the board of supervisors shall immediately refer the petition to the agricultural commissioner who shall examine it by reference to the register of cottongrowers, and shall within 15 days after receiving the petition, return the petition to the board of supervisors with his certificate attached thereto certifying from the cottongrowers register that the petition qualifies as valid. The certificate of the agricultural commissioner shall be conclusive as to the sufficiency of the signatures on the petition.

6057. At its meeting at which the certificate is received from the agricultural commissioner, or at its next meeting, regular or special, thereafter, the board of supervisors shall by order fix a time and place for hearing the petition, which time shall be not less than 20 days nor more than 40 days from the date of such order, and shall give notice of such hearing by publication of the time and place thereof with a general statement of the purpose of the proposed district, together with a description of the boundaries of the proposed district, once a week for two successive weeks immediately prior to the date fixed for such hearing, in a newspaper of general circulation in the county where the district will be situated.

6058. At the hearing, the board of supervisors shall make such changes in the boundaries of the proposed district as they determine to be advisable, and shall determine and describe the boundaries of the district. The board of supervisors shall not modify the boundaries so as to exclude from the district any lands growing or capable of growing cotton which would be benefited by the formation of the district. The board of super-

visors shall, at the hearing, hear all competent and relevant testimony, in support of the petition, and in opposition thereto, and shall determine whether the petition complies with the requirements of this chapter. The determination of the board of supervisors shall be entered upon the minutes of the meeting. No defect in the contents of the petition, or in the title to, or form of, the notice or signature, shall vitiate any proceeding thereon if the petition has a sufficient number of qualified signatures attached thereto.

6059. The board of supervisors shall, at the next regular or special meeting following the hearing upon the question of the organization of the proposed district, meet, and if it determines that the evidence presented at the hearing was sufficient to warrant the organization of the district, shall, by order entered upon its minutes, declare the district duly organized under the name designated in the petition. The order must describe the boundaries of the district so that all lands included in it may be known, and a copy of the order shall be filed for record in the office of the county recorder of the county where the district is situated.

6060. The board of supervisors shall, at the meeting at which the order declaring the district to be organized is made, appoint a board of five directors to administer the affairs of the district. No person shall, at any time, be eligible to hold the office of director of any district unless he is a citizen of the United States and a resident of the State of California, and a cottongrower, either individually or as a joint tenant of, or is a member of a partnership which owns, or is an officer of, a corporation which grows cotton within the district.

6061. Each director so appointed shall, in the manner provided by law, give official bond for the faithful performance of his duties in the amount which shall be fixed by the board of supervisors, and shall subscribe the oath of office, and the bonds and oaths shall be filed with the county clerk of the county in which the district is situated. From and after the filing for record of the order declaring it organized and the appointment and qualifying of its board of directors, the organization of the district shall be complete.

6062. Any cotton pests abatement district organized pursuant to this chapter may do all of the following:

(a) Have perpetual succession;

(b) Sue and be sued for all actions and proceedings in all courts and tribunals of competent jurisdiction;

(c) Adopt a seal and alter it at pleasure;

(d) Take by grant, purchase, gift, devise, lease or otherwise, and to hold, use and enjoy, and to lease, or otherwise dispose of, real and personal property of every kind and description within or without the district necessary to the full and convenient exercise of its powers;

(e) Prohibit the planting, growing or maintenance of cotton plants within the boundaries of the district if it determines that such a prohibition is necessary for cotton pest control;

(f) Charge fees for permits to plant cotton, the fees shall be used for the purpose of paying any obligation of the district, and to accomplish the purposes of the district in the manner herein provided;

(g) Make contracts, and to employ except as otherwise provided herein, all persons, firms and corporations necessary to carry out the purposes and the powers of the district, at such salary, wage or other compensation as the board of directors shall determine;

(h) Eradicate, remove or prevent the spread of any disease, insect or other pest injurious to cotton;

(i) Eradicate, eliminate, remove or destroy any cotton plants except those cotton plants which are growing under the conditions established by a valid permit;

(j) Enter into or upon any land included in the district for the purpose of inspecting cotton growing thereon;

(k) Commence and prosecute appropriate actions to have it adjudged that any cotton plant growing within the district infested with disease, insects, or pests injurious to cotton; or any cotton plant growing within the district without a valid permit; is a public nuisance, and have it decreed that such nuisance be abated.

6063. The general control and management of each district shall be vested in a board of directors of five members. Directors shall be reimbursed for actual and necessary traveling expenses incurred by them in and about the performance of any duties required by the board of directors to be performed by them for the district. All claims presented by any director shall be subject to the approval of three other members of the board of directors.

6064. The term of office of the directors shall be four years, except for those first appointed upon the organization of the district. The first appointees shall, immediately upon their appointment, classify themselves by lot so that the terms of three of them shall expire on the first day of May following the first biennial election of the district and the terms of the other two shall expire on the first day of May following the second biennial election of the district.

6065. In the event of a vacancy in the board of directors either by resignation, death or otherwise, the vacancy shall be filled by appointment by the board of supervisors and the person so appointed shall hold office for the remainder of the term of his predecessor.

6066. The board of directors of each district shall have power to appoint and to fix the compensation of a secretary of the district who shall keep all records and perform such other duties as are ordered by the board of directors.

6067. Except as otherwise provided by this chapter, all acts of the board of directors shall be by resolution and a ma-

jority of the board of directors must concur in their adoption.

6068. The powers conferred upon any cotton pests abatement district and its board of directors by the provisions of this chapter shall not be construed to be in lieu of other disease, pest, or insect control statutes, but an addition thereto, and no act of any district or of any of its directors, agents or employees shall operate to deprive or hinder the duly appointed or designated state, county or federal authorities in conducting any operation for the eradication or control or prevention of any disease, insect or pest in the district.

6069. The agricultural commissioner of the county in which any district is situated, shall, without fee or charge, supervise and direct in accordance with the best known accepted methods as determined by the board of directors. all inspection, eradication, fumigation and other activities undertaken by the district. The agricultural commissioner shall employ any and all assistants required in and about any such work, and the district shall bear and pay all expense incurred in and about the work.

6070 The board of supervisors in every county where a district has been organized and exists under the provisions of this chapter shall direct the agricultural commissioner to file with the board of supervisors on March 1st of each year a register of every cottongrower intending to grow cotton during the growing season immediately following that date, describing the net acreage of land to be devoted to the growing of cotton by each grower. The commissioner shall submit a preliminary estimate of the information required to be filed on March 1st in order for the board to prepare the district budget.

The commissioner shall submit a copy of the register to the county clerk during election years.

6071. The board of directors of each district shall, on or before the first Monday in February of each year, prepare and file with the board of supervisors of the county in which the district is situated, a budget setting forth all estimated expenditures of the district for the fiscal year commencing on the first day of the month of April of that fiscal year. The board of directors may submit the budget or a revised budget to the board of supervisors later than the first Monday in February, but not later than March 15, if necessary in order to properly reflect changes in the acreage involved between the preliminary estimate and the register prepared pursuant to Section 6070 and the costs of programs therefor. A copy of the budget shall, at the same time, be filed with the auditor of the county.

6072. The board of supervisors of the county shall annually establish a fee for a permit to grow cotton within each cotton pests abatement district situated within the county and shall issue the permit to any cottongrower who satisfies the requirements of this chapter. The board of supervisors shall determine the amount of the fee by dividing the budget by the number of acres which will be devoted to cotton production

during the ensuing growing season as reported on the register of cottongrowers submitted to the board of supervisors on March 1st of each year.

6073. The permit fee shall be entered in the minutes of the board of supervisors who shall advise the board of directors of the district of the fee per acre required for the issuance of a permit. The board of directors shall collect this fee from the applicant for a permit to grow cotton in the district. The fees shall be paid into the county treasury for the use of the district. The board of directors may provide for the method and time of payment of the fees which may be monthly, quarterly, or as otherwise determined to be reasonable. The board of directors may provide for the refund of fees, or appropriate part thereof, collected from growers who have not grown any cotton or have grown less than that for which they have a permit, insofar as such a refund would not adversely affect the programs being conducted by the district.

The board of directors shall, at the close of the district's fiscal year, refund any money not required for continuing programs that remains in the district fund on a pro rata basis to the persons from whom the fees being refunded were collected.

The board of directors shall pay the county or counties in which it is located the costs of county services performed at the request of the district. The district shall also reimburse the county or counties for services performed pursuant to Sections 6076, 6077, and 6081.

6074. The treasury of the county shall be the repository of all the moneys of the district. The county treasurer shall receive and receipt for all such moneys, and place the same to the credit of the district. Any interest earned on the district funds shall be the property of the district. He shall be responsible upon his official bond for the safekeeping and disbursement, in the manner herein provided, of all moneys of any such district so held by him. The county treasurer shall pay out the moneys of the district only upon warrants of the county auditor drawn upon the order of the board of directors of the district signed by the president of the board and attested by the secretary. The county treasurer shall report in writing on the first day of July, October, January and March of each year, to the board of directors of each district in his county, the amount of money he then holds for the district, the amount of receipts since his last report, and the amounts paid out; and each report shall be verified and filed with the secretary of the district to whom it is addressed

6075. The board of directors when prohibiting the planting, growing or maintenance of cotton plants within the boundaries of the district, shall notify persons affected by such action within 15 days. The grower within 30 days may appeal the decision of the board of directors to the board of supervisors, which may, by a majority decision, modify or rescind the decision of the board of directors.

6076. In each cotton pests abatement district, a biennial election shall be held in April of each odd-numbered year by the county clerk of the county in which a majority of the acreage in the district is contained. Notice of the election, and of the offices to be filled, shall be published in a newspaper of general circulation in the county once a week for three successive weeks before the first day of March. At the election a sufficient number of directors shall be elected to fill the places of those directors whose terms expire the first day of May immediately following the election.

The county clerk shall make declarations of candidacy available from March 1st through March 15th. Any person eligible for the office of director, desiring to be a candidate for election, shall file a declaration with the county clerk on or before March 15th. The county clerk shall certify the qualified candidates and have ballots prepared and printed. The election shall be conducted, as nearly as practicable, in accordance with the general election laws of this state.

6077. The county clerk on or before April 1st, shall mail a ballot, an identification envelope and a stamped and addressed return envelope to each cottongrower on the register submitted by the agricultural commissioner. The ballot shall indicate the number of votes and the number shall be written on the ballot by the clerk. Each cottongrower appearing on the register shall be entitled to one vote for each acre of cotton for which a valid permit to grow cotton is possessed for each office to be filled, or proposition to be voted upon, at that election. Cumulative voting is not authorized.

The ballot shall be printed in substantially the following form:

(This number shall be torn off by election board before canvass)

No. 12345

No. 12345

Mark Crosses (+) on Ballot with Pen or Pencil

(Fold ballot to this perforated line, leaving top margin exposed and place in identification envelope)

OFFICIAL BALLOT

General District Election

Delta Cotton Pest Abatement District

County of San Joaquin, State of California

MONDAY, APRIL 21, 1969

INSTRUCTIONS TO VOTERS: To vote for a candidate of your selection, mark 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, mark 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.

All marks except the cross (+) and the data required to be entered hereon by the county clerk, are forbidden.

If you wrongly mark, tear or deface this ballot return it to the county clerk to obtain another.

DIRECTOR Vote for three	
MERRILL F. WEST	
CLIFFORD E. ROBERTSON	
COLLINS GRANT	

The holder of this ballot is entitled to cast _____ votes.

The ballot shall be placed in the identification envelope by the voter after he has indicated his choices. The identification envelope shall be sealed and signed by the voter. The identification envelope shall be returned to the county clerk in the sealed return envelope.

Ballots in order to be counted shall be received by the clerk no later than 12 o'clock noon of the third Monday in April and the return envelopes containing the ballots shall not be opened until that time. The clerk shall then open the return envelopes and deposit the ballot in its unopened envelope in a ballot box. After deposit of all identification envelopes received, the clerk shall open the ballot box and count the votes cast and certify the results of the election.

The returns of the election shall be reported to the board of directors of the district who shall meet on the Monday following the election and canvass the returns.

6078. The persons declared elected shall take the oath of office and file their official bonds with the county clerk of the county on or before the first day of May following their election and shall take office at noon of that day.

6079. Any owner of land devoted to the growing of cotton in the county where the district is situated may file a petition for inclusion in the district with the board of directors of any cotton pests abatement district, and the land may, by order of the board of directors be included within the district. A certified copy of each order of the board of directors including additional lands within the district shall be filed for record by the secretary of the district in the office of the county recorder of the county immediately upon passage by the board of directors, and each such order shall particularly describe each parcel of land to be included in the district.

6080. The board of directors of each cotton pests abatement district shall hold a regular meeting at least once each month at the time and place in the district designated by resolution of the board; and the board of directors of each district shall prescribe the rules and regulations for the conduct of its meetings and for calling and giving notice of special meetings of the board.

6081. Whenever the board of supervisors, by resolution, desires to dissolve the district or whenever a petition signed by not less than 25 percent of the cottongrowers within a district who are engaged in the growing of cotton, requesting the dissolution of the district is presented to and filed with the board of directors of the district, the board of directors shall submit the question of the dissolution of the district to the qualified voters of the district at the next biennial election of the district; provided, however, the board of directors shall not be required to accept a petition for the dissolution of the district within 10 days preceding any biennial election of a district. If, at the election 60 percent of the votes cast are in favor of the dissolution of the district, the directors of the district shall, within 60 days, file for record in the office of the county recorder of the county

a certified copy of an order declaring the district to be dissolved, and cease all activities, and shall proceed immediately to wind up the affairs of the district. The dissolution election procedures shall be the same as those contained in Sections 6076 and 6077.

6082. At the expiration of 90 days after the election, the board of directors shall deliver on the basis of the ratio of the acreage devoted to cottongrowing in each county in the district all property and assets in their possession belonging to the district to the agricultural commissioner of each county in the district to be held and used for the benefit of cotton production. Any funds which may be in the hands of the county treasurer to the credit of the district or to which the district may thereafter become entitled, shall be transferred to the credit of the county in which the district is located and shall be expended by the board of supervisors for the benefit of cotton production.

6083. All claims and accounts against the district which have not been settled by the board of directors within 90 days after the election authorizing the dissolution of the district shall be presented to the board of supervisors of the county in which the district was located and shall be passed and approved by them in the same manner as county claims and shall be paid out of the funds of the dissolved district. In the event that there are insufficient funds to discharge all claims and accounts, the board of supervisors shall, at the time of levying the next general county taxes, make a levy upon the net acreage devoted to the growing of cotton which was included in the dissolved district sufficient in amount to discharge all outstanding claims and accounts against the district.

6084. This act shall be known and may be cited as the Cotton Pests Abatement District Act.

SEC. 3. If any provision of this act is for any reason held to be unconstitutional, the decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares it would have passed this act, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any provision, be declared unconstitutional.

SEC. 4. This act shall remain in effect until the 61st day after the final adjournment of the 1971 Regular Session of the Legislature, and shall have no force or effect after that date.

CHAPTER 1027

An act to amend Section 27443 of the Government Code, relating to public administrators.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 27443 of the Government Code is amended to read:

27443. Every person holding the office of public administrator and any deputy, agent or employee of such officer is guilty of a misdemeanor who:

(a) Purchases, directly or indirectly, the property of any estate or a claim against any estate administered by the public administrator in his official capacity;

(b) Acts upon any transaction or expenditure in connection with the administration of an estate by the public administrator in his official capacity, when he has a financial interest in such transaction or expenditure, or, having knowledge of such interest, is associated in business with anyone who has such an interest.

Subdivisions (a) and (b) shall not be applicable to any act specifically authorized by court order.

Any violation of this section is punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. This section is not intended to preclude prosecution under any other provisions of the criminal law which are otherwise applicable.

CHAPTER 1028

An act to amend Section 38792 of the Government Code, relating to dog license fees.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 38792 of the Government Code is amended to read:

38792. The legislative body of a city may impose and collect an annual license not exceeding the cost of services relating to dogs, including but not limited to animal shelters and control, provided by the city, on every dog owned or harbored within the city limits. The annual license fee for spayed bitches shall be fifty percent (50%) of the license fee otherwise imposed.

CHAPTER 1029

An act to add Section 10600.1 to the Streets and Highways Code, relating to the Municipal Improvement Act of 1913.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 10600.1 is added to the Streets and Highways Code, to read:

10600.1. The legislative body conducting the proceedings for the issuance of improvement bonds under this division may require that any bidder submitting a proposal for the purchase of such improvement bonds deposit contemporaneously therewith cash, a certified check, or a cashier's check, in an amount to be determined by the legislative body, guaranteeing the purchase of such improvement bonds by such bidder in the event that he is awarded the purchase of such improvement bonds by the legislative body.

CHAPTER 1030

An act to add Section 25503.3 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 25503.3 is added to the Business and Professions Code, to read:

25503.3. Anything in this division to the contrary notwithstanding, any wine grower, brandy manufacturer, distilled spirits manufacturer, or distilled spirits manufacturer's agent may at parties held, or in hospitality rooms maintained, in conjunction with meetings or conventions of bona fide trade associations of retail licensees, serve and provide free of charge, food, and alcoholic and nonalcoholic beverages to such retail licensees and their guests while attending such meetings or conventions.

Any such person may advertise in any regular publication of a bona fide trade association the members of which are food retailers, published at least monthly, if such publication does not advertise on behalf of, or directly benefit, any individual retail licensee. A "food retailer," for the purpose of this chapter, means a person engaged primarily in the retail sale of food other than alcoholic beverages.

CHAPTER 1031

An act to amend Section 10506 of the Insurance Code, relating to insurers.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 10506 of the Insurance Code is amended to read:

10506. (A) Any domestic life insurance company may, after adoption of a resolution by its board of directors, allocate to one or more separate accounts, in accordance with the terms of a written agreement which shall be filed with the Insurance Commissioner for approval, any amounts which are paid to the company in connection with a pension, retirement or profit-sharing plan, or program for one or more persons, and which are to be, or may be, applied in payment or in making provision for payment under the company's policies or contracts of retirement benefits, and other benefits incidental thereto, in fixed or variable dollar amounts, or both. The income, if any, and gains or losses, realized or unrealized, on each such account shall be credited to or charged against the amount allocated to the account in accordance with the agreement, without regard to the other income, gains or losses of the company. The amounts allocated to such accounts and accumulations thereon, by any life insurance company shall be invested and reinvested as specified in the agreement, except a domestic company shall invest or reinvest only in such investments described in Article 3 (commencing with Section 1170), and Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Division 1, or without limitation in all or any portion of the shares of an investment company or companies (as defined by the Investment Company Act of 1940, Title 15, U.S.C., Sec. 80a-1 et seq). The limitations contained in Sections 1192.4 and 1198 are not applicable to such investments. Such investments shall not be included in determining the propriety of other investments of the company. The liability of the company with respect thereto, but only to the extent prescribed in the agreement, shall be shown on the statement of the company in the manner prescribed by the commissioner. Amounts allocated by an insurance company to separate accounts in the exercise of the power granted by this section shall be owned by the company, but shall not be chargeable with liabilities arising out of any other business the company may conduct except and to the extent provided in the agreement. The company shall not hold itself out to be a trustee in respect to such amounts.

(B) In addition to amounts otherwise allocated to separate accounts, a domestic life insurer may allocate to such account or accounts amounts which otherwise would be subject to investment in accordance with Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Division 1. The aggregate of such additional amounts shall not, however, exceed 1 percent of its admitted assets as of the preceding December 31, or 5 percent of the excess of its admitted assets over its liabilities and required reserves as of the preceding December 31, whichever is the smaller. Such company shall be entitled to withdraw at any time, in whole or in part, its participation in any separate account to which funds have been allocated as provided in this subdivision and to receive, upon with-

drawal, its proportionate share of the value of the assets of the separate account at the time of withdrawal.

(C) In addition to the allocations to separate accounts provided for in subdivision (A) of this section, a domestic insurer may, at the request of a policyholder or contractholder or the beneficiary of a policy or contract, allocate to any such separate account or accounts death payments, proceeds of matured endowments, dividends, or surrender values.

(D) Any domestic life insurance company which establishes one or more separate accounts pursuant to this section may provide for special voting rights and procedures for participants in such separate account relating to investment policy, investment advisory services, and selection of certified public accountants in relation to the administration of the assets in any such separate account. Such voting rights shall be in addition to, and shall not affect, voting rights of mutual insurers.

(E) The purpose and intent of this section is to permit the issuance and delivery of policies or contracts, in connection with a pension, retirement or profit-sharing plan, or program for one or more persons, providing for the payment of benefits in fixed or variable amounts, or both, and the establishment of separate accounts by domestic companies for the administration of and investments under such agreements. To protect the public and policyholders located in this state from hazardous operation by domestic and foreign companies, and to further the purpose and provision of this section, no domestic or foreign life insurance company shall undertake the issuance of any contract providing for variable benefits until said company has satisfied the commissioner that it has been engaged in transacting the business of life insurance for a period of at least two years and that its condition or method of operation in connection with the issuance of such contracts will not be such as would render its operation hazardous to the public or its policyholders in this state. In determining the qualification of a company requesting authority to issue contracts providing for variable benefits within this state the commissioner will consider among other things, (a) the history of the company; (b) the character, responsibility and general fitness of the officers and directors of the company; and (c) the regulation of a foreign company by its state of domicile. The commissioner may make such reasonable rules and regulations as he considers necessary, proper and advisable concerning the issuance and delivery of such policies and contracts and the payment of benefits thereunder and the manner in which the separate accounts shall be administered.

Provided, however, that no company may provide variable benefits in its contracts unless it is an admitted insurer meeting, at the time it obtains approval from the Insurance Com-

missioner in accordance with subdivision (E), one or more of the following criteria:

1. It is a domestic insurer and has combined capital and surplus of at least five million dollars ($5,000,000) and has been admitted to California and under the same management for at least five years.

2. It is an admitted insurer and has combined capital and surplus of at least sixteen million dollars ($16,000,000) or admitted assets of at least two hundred fifty million dollars ($250,000,000).

3. It is an admitted insurer which has been admitted to California for at least five years and is presently controlled by: (a) an admitted insurer (owning 50 percent or more of its voting shares) which meets the criteria of paragraph 2 of this subdivision, or (b) an investment advisor (owning 50 percent or more of its voting shares) to an investment company or companies (as defined by the Investment Company Act of 1940, Title 15 U.S.C. Sec. 80a-1 et seq.), provided the aggregate assets of such investment company or companies total at least two hundred fifty million dollars ($250,000,000).

4. It is a domestic insurer which has been admitted to California for at least two years and is a wholly owned subsidiary of a domestic insurer having admitted assets in excess of one billion dollars ($1,000,000,000).

"Under the same management," as used in this section, means the insurer has been controlled by the same person or group of persons (owning 50 percent or more of its voting shares) for the time specified.

SEC. 2. Section 10506 of the Insurance Code is amended to read:

10506. (A) Any domestic life insurance company may, after adoption of a resolution by its board of directors, allocate to one or more separate accounts, in accordance with the terms of a written agreement which shall be filed with the Insurance Commissioner for approval, any amounts which are paid to the company in connection with a pension, retirement or profit-sharing plan, or program for one or more persons, and which are to be, or may be, applied in payment or in making provision for payment under the company's policies or contracts of retirement benefits, and other benefits incidental thereto, in fixed or variable dollar amounts, or both. The income, if any, and gains or losses, realized or unrealized, on each such account shall be credited to or charged against the amount allocated to the account in accordance with the agreement, without regard to the other income, gains or losses of the company. The amounts allocated to such accounts and accumulations thereon, by any life insurance company shall be invested and reinvested as specified in the agreement, except a domestic company shall invest or reinvest only in such investments described in Article 3 (commencing with Section 1170), and Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Divi-

sion 1, or without limitation in all or any portion of the shares of an investment company or companies (as defined by the Investment Company Act of 1940, Title 15, U.S.C. Sec. 80a-1 *et seq.*). The limitations contained in Sections 1192.4 and 1198 are not applicable to such investments. Such investments shall not be included in determining the propriety of other investments of the company. The liability of the company with respect thereto, but only to the extent prescribed in the agreement, shall be shown on the statement of the company in the manner prescribed by the commissioner. Amounts allocated by an insurance company to separate accounts in the exercise of the power granted by this section shall be owned by the company, but shall not be chargeable with liabilities arising out of any other business the company may conduct except and to the extent provided in the agreement. The company shall not hold itself out to be a trustee in respect to such amounts.

(B) In addition to amounts otherwise allocated to separate accounts, a domestic life insurer may allocate to such account or accounts amounts which otherwise would be subject to investment in accordance with Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Division 1. The aggregate of such additional amounts shall not, however, exceed 1 percent of its admitted assets as of the preceding December 31, or 5 percent of the excess of its admitted assets over its liabilities and required reserves as of the preceding December 31, whichever is the smaller. Such company shall be entitled to withdraw at any time, in whole or in part, its participation in any separate account to which funds have been allocated as provided in this subdivision and to receive, upon withdrawal, its proportionate share of the value of the assets of the separate account at the time of withdrawal.

(C) In addition to the allocations to separate accounts provided for in subdivision (A) of this section, a domestic insurer may, at the request of a policyholder or contractholder or the beneficiary of a policy or contract, allocate to any such separate account or accounts death payments, proceeds of matured endowments, dividends, or surrender values.

(D) Any domestic life insurance company which establishes one or more separate accounts pursuant to this section may provide for special voting rights and procedures for participants in such separate account relating to investment policy, investment advisory services, and selection of certified public accountants in relation to the administration of the assets in any such separate account. Such voting rights shall be in addition to, and shall not affect, voting rights of mutual insurers.

(E) The purpose and intent of this section is to permit the issuance and delivery of policies or contracts, in connection with a pension, retirement or profit-sharing plan, or program for one or more persons, providing for the payment of benefits in fixed or variable amounts, or both, and the establishment of separate accounts by domestic companies for the adminis-

tration of and investments under such agreements. To protect the public and policyholders located in this state from hazardous operation by domestic and foreign companies, and to further the purpose and provision of this section, no domestic or foreign life insurance company shall undertake the issuance of any contract providing for variable benefits until said company has satisfied the commissioner that its condition or method of operation in connection with the issuance of such contracts will not be such as would render its operation hazardous to the public or its policyholders in this state and, in the case of a foreign or alien insurer, that it meets the conditions prescribed in Section 716, for the issuance of a certificate of authority. In determining the qualification of a company requesting authority to issue contracts providing for variable benefits within this state the commissioner will consider among other things, (a) the history of the company; (b) the character, responsibility and general fitness of the officers and directors of the company; (c) the regulation of a foreign company by its state of domicile; (d) the adequacy of the investment management which the company is providing; and (e) the company's arrangements for the supervision of the marketing of such contracts. The commissioner may make such reasonable rules and regulations as he considers necessary, proper and advisable concerning the issuance and delivery of such policies and contracts and the payment of benefits thereunder and the manner in which the separate accounts shall be administered.

Provided, however, that no company may provide variable benefits in its contracts unless it is an admitted insurer having and maintaining a combined capital and surplus of at least two million dollars ($2,000.000).

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1375 is enacted by the Legislature at the 1968 Regular Session and amends Section 10506 of the Insurance Code, and in such case at the same time as Assembly Bill No. 1375 takes effect at which time Section 10506 of the Insurance Code as amended by Section 1 of this act is repealed.

CHAPTER 1032

An act to add Section 19591.6 to the Education Code, relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 19591.6 is added to the Education Code, to read:

19591.6. Notwithstanding any provision of Section 19590, where a district makes an application for an apportionment, and has outstanding bonds of within fifty thousand dollars ($50,000) of 95 percent of its bonding capacity as of January 10, 1968, the district shall be deemed qualified to receive an apportionment or apportionments under this chapter prior to the next equalized assessment of the county in which the district is located without being required to issue and sell additional bonds, where the issuance of district bonds was authorized at an election held on April 20, 1965, which if sold and added to any outstanding bonds, would have qualified the district for an apportionment, if the application for apportionment had been made after the election, but prior to the equalized assessment of the county in which the district is located next succeeding the election.

This section shall have no force and effect after August 19, 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:

In order that the eligibility for apportionments afforded school districts by this act may be effectuated within the time limits prescribed by law following the date of conditional apportionments to such districts, and in order that urgently needed school construction can be undertaken as soon as possible, it is essential that this act take effect immediately.

CHAPTER 1033

An act to amend Sections 4019 and 4019.2 of the Penal Code, relating to good behavior credit.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 4019 of the Penal Code is amended to read:

4019 For each month in which a prisoner is confined in or committed to a county jail, industrial farm or road camp or any city jail, industrial farm or road camp under a judgment of imprisonment, or a fine and imprisonment until the fine is paid, or in which a prisoner confined in or committed to the county jail, industrial farm or road camp, or any city jail, industrial farm or road camp as a condition of probation after suspension of imposition of a sentence or suspension of execution of sentence, in a criminal action or proceeding, and it appears, by the record, that he has given a cheerful and

willing obedience to the reasonable rules and regulations established by the county board of parole commissioners for the conduct of such prisoners, and that his conduct is reported by the officer in charge of the jail, industrial farm or road camp to be positively good, five days shall, with the consent of the county board of parole commissioners, be deducted from his period of confinement.

SEC. 2. Section 4019.2 of the Penal Code is amended to read

4019.2 For each month in which a prisoner is confined in or committed to a county jail, industrial farm or road camp, including a prisoner confined therein pursuant to a judgment of fine and imprisonment until the fine is paid, and it appears that he has satisfactorily performed his assigned work, as reported and recorded by the officer in charge, five days shall, with the consent of the board of supervisors or the county board of parole commissioners, be deducted from his period of confinement. The deduction allowed pursuant to this section shall be granted regardless of whether or not a deduction is made pursuant to Sections 4018 or 4019, but no prisoner shall be granted a total deduction under these sections in excess of 10 days for any single month.

CHAPTER 1034

An act to amend Sections 6094 and 6244 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 6094 of the Revenue and Taxation Code is amended to read:

6094. (a) If a purchaser who gives a resale certificate makes any use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the use shall be taxable to the purchaser under Chapter 3 (commencing with Section 6201) of this part as of the time the property is first used by him, and, except as provided in subdivisions (b) and (c) of this section, the sales price of the property to him shall be the measure of the tax.

(b) If such use is limited to the loan of the property to customers as an accommodation while awaiting delivery of property purchased or leased from the lender or while property is being repaired for customers by the lender, the measure of the tax is the fair rental value of the property for the duration of each loan so made.

(c) If the property is used frequently for purposes of demonstration or display while holding it for sale in the regular

course of business and is used partly for other purposes, the measure of the tax is the fair rental value of the property for the period of such other use or uses.

SEC. 2. Section 6244 of the Revenue and Taxation Code is amended to read:

6244. (a) If a purchaser who gives a resale certificate or purchases property for the purpose of reselling it makes any storage or use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the storage or use is taxable as of the time the property is first so stored or used.

(b) If such use is limited to the loan of the property to customers as an accommodation while awaiting delivery of property purchased or leased from the lender or while property is being repaired for customers by the lender, the measure of the tax is the fair rental value of the property for the duration of each loan so made.

(c) If the property is used frequently for purposes of demonstration or display while holding it for sale in the regular course of business and is used partly for other purposes, the measure of the tax is the fair rental value of the property for the period of such other use or uses.

CHAPTER 1035

An act to amend Sections 282.5, 826, 1822 and 4876 of, to repeal Section 531.5 of, the Revenue and Taxation Code, and to repeal Section 506 as added to the Revenue and Taxation Code by Chapter 148 of the Statutes of the 1967 Regular Session of the Legislature, relating to property taxation.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 282.5 of the Revenue and Taxation Code is amended to read:

282.5. If a taxpayer refuses to comply with a written demand made pursuant to Section 282, the exemption shall be disallowed and, if an exemption has previously been allowed, an assessment pursuant to Section 531.1 shall be made.

SEC. 2. Section 506, as added to the Revenue and Taxation Code by Chapter 148 of the Statutes of the 1967 Regular Session of the Legislature, is repealed.

SEC. 3. Section 531.5 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 826 of the Revenue and Taxation Code is amended to read:

826. Upon request of the board, a person shall submit a property statement pertaining to any state-assessed prop-

erty owned, claimed, possessed, used, controlled, or managed by him, in the form prescribed by the board.

(a) The statement shall be made under oath and filed with the board.

(b) In the case of a corporation, the property statement shall be signed either by an officer of the corporation or an employee or agent who has been designated in writing by the board of directors to sign such statement on behalf of the corporation.

SEC. 5. Section 1822 of the Revenue and Taxation Code is amended to read:

1822. If any county, city and county, or municipal corporation desires to secure a review, equalization, or adjustment of the assessment of its property by the board in pursuance of Section 1 of Article XIII of the State Constitution, it shall apply to the board therefor in writing on or before the third Monday in July, or within two weeks after the completion and delivery by the assessor of the local roll containing such assessment to the auditor as provided in Section 617, whichever is the later. If the assessment objected to is one made outside the regular period for such assessments, the application for review shall be filed with the board within two weeks from the date the tax bill is mailed to the assessee.

Every application shall show the facts claimed to require action of the board, and a copy thereof shall be filed with the assessor whose assessment is questioned. Upon receipt of a timely application the board shall afford the applicant notice and a hearing in accordance with such rules and regulations as the board may prescribe.

SEC. 6. Section 4876 of the Revenue and Taxation Code is amended to read:

4876. When it can be ascertained from any roll or from any papers of the board what was intended or what should have been assessed, defects in description or form or clerical errors of the board in assessing state-assessed property or other errors of the board not involving the exercise of judgment as to value which result in the entry on the roll of assessed values other than those intended by the board may be corrected by the board under this article at any time within two years after the assessment was made.

CHAPTER 1036

An act to amend Sections 688.1 and 692 of the Code of Civil Procedure, relating to creditors.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 688.1 of the Code of Civil Procedure is amended to read:

688.1. Upon motion of a judgment creditor of any party in an action or special proceeding made in the court in which the action or proceeding is pending upon written notice to all parties, the court or judge thereof may, in his discretion, order that the judgment creditor be granted a lien upon the cause of action, or the right to relief, if the party or parties against whom the lien is sought are appearing in a capacity other than plaintiff and upon any judgment subsequently procured in such action or proceeding, and, during the pendency of such action, may permit said judgment creditor to intervene therein. Such judgment creditor shall have a lien to the extent of his judgment upon all moneys recovered by his judgment debtor in such action or proceeding and no compromise, settlement or satisfaction shall be entered into by or on behalf of said debtor without the consent of said judgment creditor, unless his lien is sooner satisfied or discharged. The clerk or judge of the court shall endorse upon the judgment recovered in such action or proceeding a statement of the existence of the lien, the date of the entry of the order creating the lien, and the place where entered, and any abstract issued upon the judgment shall contain, in addition to the matters set forth in Section 674 of the Code of Civil Procedure, a statement of the lien in favor of such judgment creditor.

SEC. 2. 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.

SEC. 3. 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 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 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. 4. Section 3 of this act shall become operative only if Senate Bill No. 890 is enacted by the Legislature at its 1968 Regular Session, and, as enacted, amends Section 692 of the Code of Civil Procedure, and in such case at the same time as the amendments to Section 692, as contained in Senate Bill No. 890, become operative, at which time Section 692 of the Code of Civil Procedure, as amended by Section 2 of this act, is repealed.

CHAPTER 1037

An act to amend Sections 13590.2 and 13656 of, and to add Section 13590.4 to, the Education Code, relating to overtime pay for classified school employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 13590.2 of the Education Code is amended to read:

13590.2. The governing board of each district shall provide the extent to which, and establish the method by which, ordered overtime or overtime in time of critical emergency is compensated. The board shall provide for such compensation or compensatory time off at a rate at least equal to time and one-half the regular rate of pay of the employee designated and authorized to perform the overtime. Notwithstanding the foregoing provisions the board may declare overtime to have been necessary as a critical emergency and provide for cash compensation or compensatory time off at a rate less than the overtime rate.

Overtime is defined to include any time required to be worked in excess of eight hours in any one day and in excess of 40 hours in any calendar week. If a governing board establishes a workday of less than eight hours but more than seven hours and a workweek of less than 40 hours but more than 35 hours for all of its classified positions or for certain classes of classified positions, all time worked in excess of the established workday and workweek shall be deemed to be overtime. The foregoing provisions are not intended to apply to properly designated part-time positions with an assigned workday of less than eight hours and a workweek of less than 40 hours even though all such positions constitute all of the positions within a class.

Critical emergency as used in this section means a civil disaster or other such major occurrence that requires the use of school employees to the detriment of the financial ability of the district to meet the requirements of this section.

For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensating time off, or other paid leave of absence shall be considered as time worked by 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.

SEC. 2. Section 13590.4 is added to the Education Code, to read:

13590.4. Notwithstanding the provisions of Sections 13590.1 and 13590.2, a personnel commission, when applicable, or a governing board of a school district may specify certain positions or classes of positions as supervisory, administrative, or executive and exclude the employees serving in such positions and the positions from the overtime provisions.

To be excluded from such overtime provisions, the positions or classes of positions must clearly and reasonably be management positions. In approving positions or classes of positions for exclusion from the overtime provisions, the personnel commission, when applicable, or the governing board of a school district shall certify, in writing, that the duties, flexibility of hours, salary, benefit structure, and authority of the positions or classes of positions are of such a nature that they should be set apart from those positions which are subject to the overtime provisions, and that employees serving in such excluded positions or classes of positions will not be unreasonably discriminated against as a result of the exclusion.

Notwithstanding the provisions of this section, if a person serving in an excluded position is required to work on a holiday, as provided for in this code, or by action of a governing board, he shall be paid, in addition to his regular pay for the holiday, compensation, or given compensating time off, at a rate not less than his normal rate of pay.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 3. Section 13656 of the Education Code is amended to read:

13656. All employees a part of the classified service shall be entitled to the following paid holidays provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday: January 1, February 12, February 22, May 30, July 4, the first Monday in September, September 9, November 11, December 25, every day appointed by the President, or the Governor of this state, as provided for in subsections (b) and (c) of Section 5201 for a public fast, thanksgiving or holiday, or any day declared a holiday under Section 5202 of this code in which the board specifies it shall be a holiday for classified or certificated employees.

Regular employees of the district who are not normally assigned to duty during the school holidays of December 25 and January 1 shall be paid for those two holidays provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

When a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the

day observed. When a holiday herein listed falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. When a classified employee is required to work on any of said holidays, he shall be paid compensation, or given compensating time off, for such work, in addition to the regular pay received for the holiday, at the rate specified in Section 13590.2.

The provisions of Article 3, Chapter 2, Division 6, shall not be construed to in any way limit the provisions of this section, nor shall anything in this section be construed to prohibit the governing board from providing holiday pay for employees who have not been in paid status on the days specified herein.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

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

The Attorney General has suggested classification of law relating to workweek and overtime provisions for classified school employees due to confusion in the existing law. Qualification and classification are needed in order to exclude overtime payment to management personnel. In order that the provisions of this act may take effect at the beginning of the 1968–1969 school year, it is necessary that this act take immediate effect.

CHAPTER 1038

An act to add Sections 12745 and 12745.1 to the Water Code, relating to the Sweetwater River Flood Control Project.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 12745 is added to the Water Code, to read:

12745. The project for flood protection on the Sweetwater River in the County of San Diego is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 148, 90th Congress, Second Session, 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 12745.1 is added to the Water Code, to read:

12745.1. With respect to the project authorized by Section 12745, the County of San Diego may acquire the lands, easements and rights-of-way for said project even though the project has not been authorized by the Congress. In the event said lands, easements, and rights-of-way for said project are acquired by the county in cooperation with the State Department of Public Works along with the lands, easements, and rights-of-way acquired by said department for state highway purposes, the County of San Diego may make application to the Department of Water Resources for reimbursement pursuant to Section 12829, and reimbursement for the costs of such lands, easements, and rights-of-way for the project may be paid after the Congress has appropriated funds for the construction of the project. Prior to the acquisition of any lands, easements, or rights-of-way for the project, the County of San Diego shall execute an agreement with the department under which it agrees to hold the state harmless from damages due from the construction, operation, or maintenance of the project.

CHAPTER 1039

An act to add Section 135.1 to the Water Code, relating to the Water Resources Revolving Fund.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 135.1 is added to the Water Code, to read:

135.1. All sums in the Water Resources Revolving Fund in the State Treasury, maintained pursuant to Section 135, in a sum not to exceed seven hundred fifty thousand dollars ($750,000), the source of which is attributable to the General Fund, and which are held for the purposes of a payroll reserve for vacation, leave, compensating time off, and like purposes, and which, in the judgment of the Department of Finance, are determined to be surplus to the requirements for payments for such purposes on a current basis, shall be available, during the 1968–1969 fiscal year, as follows:

(a) Not exceeding two hundred fifty thousand dollars ($250,000) for transfer to the State Water Quality Control Fund; except that any such sum shall be retransferred to the General Fund from the State Water Quality Control Fund in the 1969–1970 fiscal year.

(b) Not exceeding five hundred thousand dollars ($500,000) for transfer to the General Fund.

CHAPTER 1040

An act to amend Section 23039 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 23039 of the Business and Professions Code is amended to read:

23039. (a) "Public premises" means:

(1) Premises licensed with any type of license other than an on-sale beer license, and maintained and operated for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which food shall not be sold or served to the public as in a bona fide public eating place, but upon which premises food products may be sold or served incidentally to the sale or service of alcoholic beverages, in accordance with rules prescribed by the department.

(2) Premises licensed with an on-sale beer license, in which food shall not be sold or served to the public as in a bona fide public eating place, and in which sandwiches, salads, desserts, and similar short orders shall not be sold and served, in accordance with rules prescribed by the department.

(b) "Public premises" does not include railroad dining or club cars, passenger ships, airplanes, or bona fide clubs after such clubs have been lawfully operated for not less than one year; nor does it include stadia, auditoria, fairgrounds, racetracks, premises being operated under a temporary on-sale beer license other than permitted pursuant to Section 24045.5, or historic units of the state park system.

SEC. 2. Section 23039 of the Business and Professions Code is amended to read:

23039. (a) "Public premises" means:

(1) Premises licensed with any type of license other than an on-sale beer license, and maintained and operated for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which food shall not be sold or served to the public as in a bona fide public eating place, but upon which premises food products may be sold or served incidentally to the sale or service of alcoholic beverages, in accordance with rules prescribed by the department.

(2) Premises licensed with an on-sale beer license, in which food shall not be sold or served to the public as in a bona fide public eating place, and in which sandwiches, salads, desserts, and similar short orders shall not be sold and served, in accordance with rules prescribed by the department.

(b) "Public premises" does not include railroad dining or club cars, passenger ships, airplanes, or bona fide clubs after such clubs have been lawfully operated for not less than one year; nor does it include historic units of the state park sys-

tem. premises being operated under a temporary on-sale beer license other than permitted pursuant to Section 24045.5, or on-sale beer licensed stadia, auditoria, fairgrounds, or racetracks.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 932 is enacted by the Legislature at its 1968 Regular Session and, as enacted, amends Section 23039 of the Business and Professions Code and in such case at the same time as Assembly Bill No. 932 takes effect, at which time Section 23039 of the Business and Professions Code as amended by Section 1 of this act is repealed.

CHAPTER 1041

An act to amend Sections 159, 163, 163.5, 12602, and 12634.3 of the Water Code, relating to the California Water Commission.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 159 of the Water Code is amended to read:

159. Special meetings may be called at any time by the chairman or by the executive officer at the request of any four members, upon notice specifying the matters to be acted upon at such meeting, but no other matters shall be acted upon at special meetings which were not so noticed, unless all members are present and consent thereto.

SEC. 2. Section 163 of the Water Code is amended to read:

163. The commission may employ an executive officer, exempt from civil service, under subdivision (a) (5) of Section 4 of Article XXIV of the Constitution, and a staff engineer from the staff of the department who shall be responsible to the commission. The commission may also employ such clerical assistants as may be necessary for the proper discharge of its duties and may purchase or rent necessary supplies, instruments, tools, equipment and conveniences.

SEC. 3. Section 163.5 of the Water Code is amended to read:

163.5. The department shall furnish to the California Water Commission, at its request, such assistance, including technical, legal, and clerical services, as is required to the extent funds are made available therefor.

SEC. 4. Section 12602 of the Water Code is amended to read:

12602. The department, or a representative authorized by the department to do so, may call, conduct or attend confer-

ences or hearings, official or unofficial, within or without this state, or otherwise participate in such conferences or hearings, with interested persons, agencies or officers, of this or any other state, or with the Congress of the United States, congressional committees, or officials of the federal government, concerning water projects, plans, or problems. However, where the appropriations committees of the Congress are hearing requests for appropriations for flood control projects being planned or constructed in California under the jurisdiction of the United States Army Corps of Engineers, or reclamation projects being planned or constructed in California by the Bureau of Reclamation, United States Department of the Interior, the California Water Commission shall present its views. Prior to making such presentation, the commission shall consult with interested local, state, and federal agencies, and may on request report to the committees the views of any county, city, state agency, or public district regarding such appropriations. The commission may, on request, represent any local agencies before such committees. Nothing in this section or in Section 12604.3 shall be deemed or construed to modify, limit, or take away from any of the powers and duties vested in the department, or any other state agency, pursuant to this article.

SEC. 5. Section 12634.3 of the Water Code is amended to read:

12634.3. The department shall submit, prior to January 1st of each year, a report to the California Water Commission summarizing its activities, with emphasis on existing and prospective planning projects, the need for such projects, and the estimated costs thereof. The commission may conduct public hearings on such reports and may make recommendations thereon to the department and the Legislature.

CHAPTER 1042

An act to amend Sections 2007, 2051, 2053, 2071, 3050, and 3063 of, and to add Sections 1749, 1914.1, 3050.2, and 3050.4 to, and to repeal Section 1906 of, the Harbors and Navigation Code, relating to the San Francisco Port Authority.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 1749 is added to the Harbors and Navigation Code, to read:

1749. Officers and employees of the authority shall not be subject to Section 11032 or 11033 of the Government Code.

SEC. 2. Section 1906 of the Harbors and Navigation Code is repealed.

SEC. 3. Section 1914.1 is added to the Harbors and Navigation Code, to read:

1914.1. Suits by or against the authority shall be brought or defended in the name of the State of California.

SEC. 4. Section 2007 of the Harbors and Navigation Code is amended to read:

2007. Every proposal shall be accompanied by a certified check for an amount equal to 5 percent of the amount of the proposal, made payable to the order of the authority. If the proposal is accepted and the contract awarded, and the bidder fails to execute the contract and give the bond required within six days after the award is made, then the sum mentioned in the check is liquidated damages for his failure, and shall be paid into the San Francisco Harbor Improvement Fund.

SEC. 5. Section 2051 of the Harbors and Navigation Code is amended to read:

2051. The advertisement shall contain a general description of the work to be done, the material to be used, the place where it is to be used, and it shall refer to specifications, which shall contain a full and accurate description of the work to be performed, the material to be used, and where it is to be used. The specifications shall be kept in the office of the secretary of the authority so that all persons may inspect them during the usual business hours of all days except Saturdays, Sundays and holidays.

SEC. 6. Section 2053 of the Harbors and Navigation Code is amended to read:

2053. On the day named in the advertisement, the authority shall have the bids opened in the presence of the bidders who are present The authority shall award the contract to the lowest responsible bidder, who shall furnish sufficient sureties to guarantee the performance of the work.

If the bids are too high, it may reject them, and advertise anew in like manner as before.

If the second bids are too high, it may reject them likewise, and enter into contract with responsible persons without giving further notice. Any contract entered into without giving public notice and receiving bids, shall be at least 10 percent lower than the lowest rejected bid.

SEC. 7. Section 2071 of the Harbors and Navigation Code is amended to read:

2071. The authority may lease or use any of the property under its jurisdiction.

SEC. 8. Section 3050 of the Harbors and Navigation Code is amended to read:

3050. The authority may set apart and use any portion of the waterfront and thoroughfare for the landing and loading of grain and other merchandise, and it may erect sheds and structures for shelter. A roadway of not less than 75 feet in width on the inner side of the waterfront thoroughfare shall be left open for the passage of vehicles.

The authority may fix the rates and prescribe the terms and conditions on which these sheds and structures may be used, and the authority has the same control over them as over the wharves and other parts of the waterfront.

SEC. 9. Section 3050.2 is added to the Harbors and Navigation Code, to read:

3050.2. The authority may perform terminal operations in connection with the movement of goods and may provide such services as are incidental thereto. It shall have such powers as are necessary or convenient to perform these functions. It may contract with stevedoring companies for the loading and unloading of carriers. It may perform or furnish all services and real or personal property for storage and movement of goods incidental to loading or unloading from carriers. It may issue any documents customarily used in such operations. It may enter into any other contracts convenient to the performance of terminal services. It may publish tariffs and issue rules and regulations in connection with terminal services.

SEC. 10. Section 3050.4 is added to the Harbors and Navigation Code, to read:

3050.4. All functions, services, rules, regulations, and charges of the authority under this part shall be exempt from regulation by the Public Utilities Commission.

SEC. 11. Section 3063 of the Harbors and Navigation Code is amended to read:

3063. Use permitted of property by the authority by license, assignment, or permit may be terminated at any time by it on 30 days' previous notice to the person using it. This section does not apply to property leased by the authority.

CHAPTER 1043

An act to amend Section 21107.7 of the Vehicle Code, relating to private roads.

[Approved by Governor August 6, 1968 Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 21107.7 of the Vehicle Code is amended to read:

21107.7. (a) Any city or county may, by ordinance or resolution, find and declare that there are privately owned and maintained roads as described in said ordinance or resolution within the city or county that are not generally held open for use of the public for purposes of vehicular travel but by reason of their proximity to or connection with highways the interests of any residents residing along such roads and the motoring public will best be served by application of provisions of this code to such roads. No such ordinance or resolution shall be

enacted unless there is first filed with the city or county a petition requesting such by a majority of the owners of any such privately owned and maintained road and without a public hearing thereon and 10 days' prior written notice to all owners of such road. Upon enactment of such ordinance or resolution, the provisions of this code shall apply to any such privately owned and maintained road provided appropriate signs are erected at the entrance to the road 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 subject to such provisions of this code.

(b) 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.

(c) As used in this section "Privately owned and maintained roads" includes roads owned and maintained by a city, county or district that are not dedicated to use by the public or are not generally held open for use of the public for purposes of vehicular travel.

CHAPTER 1044

An act confirming title to certain tidelands and submerged lands of the State of California in the City of Carpinteria, upon certain trusts and conditions.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Pursuant to Chapter 846 of the Statutes of 1931 there was granted to the County of Santa Barbara and to its successors certain tidelands and submerged lands in the County of Santa Barbara subject to certain terms and conditions and reserving to the State of California all deposits of minerals, including oil and gas, and the right to prospect for, mine and remove such deposits from such land, and the City of Carpinteria, having incorporated on September 28, 1965, has become the successor in interest to the County of Santa Barbara to that portion of the lands now situated within its boundaries.

SEC. 2. The State of California hereby confirms the title to the City of Carpinteria of such tide and submerged lands as are located within its boundaries as were originally granted to the County of Santa Barbara by Chapter 846 of the Statutes of 1931, to be forever held by such city and by its successors in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That the lands shall be used by the 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 all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities, as may be specified by the city council, after public hearing.

(3) 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, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) 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.

(5) 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.

(6) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, 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) The city, or its successors shall not at any time, grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the 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 the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held by the state, 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 (b) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937, and any such franchise shall be effective with respect to the lands.

(c) Within 10 years from the effective date of this act, the lands shall be substantially improved by the city without expense to the state, and if the State Lands Commission determines that the city has failed to improve the lands as herein required, all right, title, and interest of the city in and to all lands granted by this act shall cease and the lands shall revert and rest in the state.

Nothing contained in this act, however, shall preclude expenditures for the development of the 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 shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(f) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose.

(g) There is hereby excepted and reserved in the state all deposits of minerals, including oil and gas, in the lands, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands.

(h) Such lands are granted subject to the express reservation and condition that the state may at any time in the future use the 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 such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The 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 Santa Barbara County.

(j) The city 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 1045

An act to amend Section 24002 of the Education Code, relating to California State Colleges.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. 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 capital 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.

CHAPTER 1046

An act to amend Sections 31654, 31700, 31830, 31831, 31831.1, 31832, 31833, 31834, 31835, 31836, 31837, 31838, 31839, and 31840.1 of the Government Code, relating to public employees.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 31654 of the Government Code is amended to read:

31654. Whenever, as a result of the resumption by the counties pursuant to Article XXVII of the Constitution of functions relating to the administration of aid to the aged and aid to the needy blind theretofore performed by the state, any person ceases to be employed by the state and is employed by a county in which this chapter has become operative, the per-

son shall become a member of the retirement association of the county immediately upon his entrance into the county service.

Any such member of a county retirement system shall be entitled to credit in the county retirement system for service for which he was entitled to credit in the Public Employees' Retirement System at the time of cessation of his employment by the state, without the necessity of payment of any additional contributions in respect to that service, when and if (a) the board of retirement receives certification from the Board of Administration of the Public Employees' Retirement System of the state service with which the person was entitled to be credited by the Public Employees' Retirement System at the time of cessation of his state employment; and (b) there is paid into the employees' retirement fund of the county an amount equal to the normal contributions of the person to the Public Employees' Retirement System, together with the interest credited thereto, which amount shall be credited to the individual account of the member in the county employee's retirement system, and shall thereafter for all purposes be deemed to be the member's contribution to the county retirement system in respect to the service so certified; and (c) there is paid into the employees' retirement fund of the county an additional amount equal to the amount of such normal contributions, together with the interest credited thereto, which additional amount shall thereafter for all purposes be deemed to be the contributions of the employer county to the county retirement system in respect to the service so certified.

SEC. 2. Section 31700 of the Government Code is amended to read:

31700. Any member, whether over or under the minimum age of voluntary service retirement, who leaves county service after completing five years of service or who leaves county service and within 90 days becomes a member of the Public Employees' Retirement System, or a retirement system established under this chapter in another county, may elect in writing, within 180 days after leaving county service, to leave his accumulated contributions in the retirement fund and be granted a deferred retirement allowance to become effective either:

(a) Upon the option of the member, at any time at which he could have retired had he remained in county service in a full-time position, or

(b) Not later than the first day of the month following that in which he attains the compulsory retirement age.

SEC. 3. Section 31830 of the Government Code is amended to read:

31830. The provisions of this article are intended to encourage career public service by granting reciprocal retirement benefits to members who are entitled to retirement rights or benefits from two or more retirement systems established under this chapter or from a retirement system established under this chapter and the Public Employees' Retirement System,

and to delineate the financial obligations of each system and related political entity so that no system or political entity shall be liable for more than its just financial obligation.

SEC. 4. Section 31831 of the Government Code is amended to read:

31831. Any member, whether over or under the minimum age of service retirement, who leave county service and within 90 days thereafter becomes a member of the Public Employees' Retirement System, or a retirement system established under this chapter in another county, regardless of the amount of county service, may elect deferred retirement pursuant to Article 9 of this chapter, except that he may not, after such election, rescind such election or withdraw any of his accumulated contributions while a member of such other system.

SEC. 5. Section 31831.1 of the Government Code is amended to read:

31831.1. Any member who left county or district service, and within 100 calendar days 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 within said 100 days. 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.

The 100-calendar-day period provided for in this section does not include any time during which the member was prohibited by law from joining the retirement system of the other county.

Notwithstanding anything in this section to the contrary, the 100-calendar-days' restriction referred to in this section shall not be applicable to any member who left county or district service prior to October 1, 1949. This paragraph shall become inoperative January 1, 1968.

SEC. 5.5. 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.

SEC. 6. Section 31832 of the Government Code is amended to read:

31832. The board shall, on request of the Board of Administration of the Public Employees' Retirement System or the board of retirement of a retirement system established in another county under this chapter, supply information and data necessary for the administration of such other system as it is affected by membership in and service credited under this system.

SEC. 7. Section 31833 of the Government Code is amended to read:

31833. For the purpose of this article and Articles 6 and 6.8 of this chapter, age at time of entrance into the retirement system for a person who enters within 90 days of last rendering service as a member of the Public Employees' Retirement System or another retirement system established under this chapter, and who retains his membership in such other system or systems, shall be his age at entry into the first such other system.

SEC. 8. Section 31834 of the Government Code is amended to read:

31834. Notwithstanding Section 31558 and regardless of age at entry into the system in counties subject to the provisions of Section 31676.1 and in counties electing pursuant to Section 31695.1, a person shall become a safety member on the first day of the calendar month following his entrance into service in a position the principal duties of which are defined in Sections 31470.2, 31470.4 or 31470.6, if such first day of the calendar month is within 90 days of last rendering active police or fire suppression or lifeguard work as a member of the Public Employees' Retirement System or a retirement system established under this chapter in another county and the person retains his membership in such other system.

SEC. 9. Section 31835 of the Government Code is amended to read:

31835. The average compensation during any period of service as a member of the Public Employees' Retirement System or a member of a retirement system established under this chapter in another county shall be considered compensation earnable by a member for purposes of computing final compensation for such member provided:

(1) The period intervening between active memberships in the respective systems does not exceed 90 days.

(2) He retires concurrently under both systems and is credited with such period of service under such other system at the time of retirement.

SEC. 10. Section 31836 of the Government Code is amended to read:

31836. "Service," solely for purposes of qualification for payment of benefits and retirement allowances, shall also include service as an employee of the state or a contracting agency under the Public Employees' Retirement System or of another county having a retirement system established under this chapter, if the compensation for such service constitutes compensation earnable by a member under Section 31835 of this part.

No credit shall be granted in this retirement system for service for which the member has received credit in another retirement system or for which he is presently receiving a retirement allowance from another retirement system.

SEC. 11. Section 31837 of the Government Code is amended to read:

31837. Any member who elects, pursuant to Section 31700 and 31832, to leave his accumulated contributions on deposit may be retired for disability, regardless of age or length of service, and receive a disability retirement allowance under this article based on the service credited to him at the time of retirement during any period thereafter in which he receives a disability retirement allowance under the Public Employees' Retirement System or a retirement system established under this chapter in another county, subject to the following conditions:

(1) That such allowance shall not be paid if the period intervening between the last service credited under this system and his becoming a member in such other system exceeds 90 days.

(2) That if the member is retiring for non-service-connected disability, and, if a safety member has not attained age 55, or if a nonsafety member has not attained age 65, his retirement allowance shall be as calculated pursuant to Section 31838.

(3) That such allowance shall be an annuity which is the actuarial equivalent of the member's accumulated contributions when retirement under the other system is for disability arising out of and in the course of employment subject to such other system.

SEC. 12. Section 31838 of the Government Code is amended to read:

31838. Every safety member under age 55 years and every other member under age 65 years who is retired for non-service-connected disability and who is retired simultaneously under a disability retirement allowance from the Public Employees' Retirement System or a retirement system established under this chapter in another county shall receive a retirement allowance equal to the greater of the following amounts:

(1) The sum to which he would be entitled as service retirement; or

(2) A sum which shall consist of:

(a) An annuity which is the actuarial equivalent of his accumulated contributions at the time of his retirement, and

(b) If, in the opinion of the board, his disability is not due to intemperate use of alcoholic liquor or drugs, willful misconduct, or violation of law on his part, a disability retirement pension purchased by contributions of the county or district, all computed as provided in Sections 31727 or 31727.2.

SEC. 13. Section 31839 of the Government Code is amended to read:

31839. Upon the death before retirement of a member, while in service as a member of the Public Employees' Retirement System or a retirement system established pursuant to this chapter in another county, who has made an election pursuant to Section 31700 and 31832, the death benefit provided in Section 31781 payable by the system from which he elected deferred retirement shall consist of:

(a) When death is not the result of a disease or injury arising out of and in the course of employment, the amount of such death benefit shall not exceed an amount which when added to the death benefit payable for the member under such other system will equal the total of the accumulated contributions to both systems plus 50 percent of the annual compensation earnable by the deceased during the 12 months immediately preceding his death.

(b) When death is the result of disease or injury arising out of and in the course of his employment as a member of such other system, such death benefit shall consist solely of the member's accumulated contributions.

SEC. 14. Section 31840.1 of the Government Code is amended to read:

31840.1. The provisions of this article extending rights to a member of a county retirement system established under this chapter or subjecting him to any limitation, by reason of his membership in the Public Employees' Retirement System, shall apply in like manner and under like conditions to said member by reason of his membership in any retirement system maintained by the Regents of the University of California, provided said member enters any retirement system maintained by said regents pursuant to an agreement made on or after January 1, 1965, between said regents and a county making provision for the operation by said regents of all or any part of the hospital facilities of that county and for reciprocal university retirement system rights and limitations substantially comparable to those prescribed by this article.

SEC. 15. Section 5.5 of this act shall become operative only if Assembly Bill No. 1261 is enacted by the Legislature at its 1968 Regular Session and in such case at the same time as Assembly Bill No. 1261 becomes operative in which case Section 5 of this act is repealed.

CHAPTER 1047

An act to amend Sections 31870 and 31870.1 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 31870 of the Government Code is amended to read:

31870. The board shall before April 1 of each year determine whether there has been an increase or decrease in the cost of living as provided in this section. Notwithstanding Section 31481 or any other provision of this chapter (commencing with Section 31450), every retirement allowance, optional death allowance, or annual death allowance payable to or on account of any member, of this system or a superseded system, who retires or dies or who has retired or died shall, as of April 1st of each year, be increased or decreased by a percentage of the total allowance then being received found by the board to approximate to the nearest one-half of 1 percent the percentage of annual increase or decrease in the cost of living as of January 1st of each year as shown by the then current Bureau of Labor Statistics Consumers Price Index for the area in which the county seat is situated, but such change shall not exceed 2 percent per year; however, the amount of any cost-of-living increase or decrease in any year which is not met by the maximum annual change of 2 percent in allowances shall be accumulated to be met by increases or decreases in allowances in future years; except that no decrease shall reduce the allowance below the amount being received by the member or his beneficiary on the effective date of the allowance or the application of this article, whichever is later.

SEC. 2. Section 31870.1 of the Government Code is amended to read:

31870.1. The board shall before April 1 of each year determine whether there has been an increase or decrease in the cost of living as provided in this section. Notwithstanding Section 31481 or any other provision of this chapter (commencing with Section 31450), every retirement allowance, optional death allowance, or annual death allowance payable to or on account of any member, of this system or superseded system who retires or dies or who has retired or died shall, as of April 1st of each year, be increased or decreased by a percentage of the total allowance then being received found by the board to approximate to the nearest one-half of 1 percent, the percentage of annual increase or decrease in the cost of living as of January 1st of each year as shown by the then current Bureau of Labor Statistics Consumers Price Index for

the area in which the county seat is situated, but such change shall not exceed 3 percent per year; however, the amount of any cost-of-living increase or decrease in any year which is not met by the maximum annual change of 3 percent in allowances shall be accumulated to be met by increases or decreases in allowances in future years; except that no decrease shall reduce the allowance below the amount being received by the member or his beneficiary on the effective date of the allowance or the application of this article, whichever is later.

CHAPTER 1048

An act to amend Sections 11701, 11703, and 11805 of, to amend the headings of Chapter 4 (commencing with Section 11701) and Article 1 (commencing with Section 11701) of Chapter 4 of Division 9 of, to amend and renumber the heading of Article 5 (commencing with Section 11901) of Chapter 4 of Division 9 of, to amend and renumber Sections 11704, 11705, 11706, 11707, 11708, 11709, 11710, 11711, 11712, 11754, 11755, 11851, 11901, 11902, 11902.1, 11903, 11904, 11905, 11906, 11907, 12058, and 12915 of, to repeal the heading of Article 4 (commencing with Section 11851) of Chapter 4 of Division 9 of, and to add Article 5 (commencing with Section 11851) and Article 6 (commencing with Section 11870) to Chapter 4 of Division 9 of, the Education Code, relating to health supervision and services in the public schools.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. The heading of Chapter 4 (commencing with Section 11701) of Division 9 of the Education Code is amended to read:

CHAPTER 4. PUPIL AND PERSONNEL HEALTH SUPERVISION AND SERVICES

SEC. 2. The heading of Article 1 (commencing with Section 11701) of Chapter 4 of Division 9 of the Education Code is amended to read:

Article 1. General Powers and Duties of School District Governing Boards

SEC 3. Section 11701 of the Education Code is amended to read:

11701. The governing board of any school district shall give diligent care to the health and physical development of

pupils, and may employ properly certified persons for the work.

SEC. 4. Section 11703 of the Education Code is amended to read:

11703. Contracts between any city, county, or local health district and the governing board of any school district located wholly or partially within such city, county, or local health district for the performance by the health officers or other employees of the health department of such city, county, or local health district of any or all of the functions and duties set forth in this chapter and in Article 3 (commencing with Section 12051) of Chapter 5 of this division relating to health supervision of school buildings and pupils are hereby authorized.

In any such contracts the consideration shall be such as may be agreed upon by the governing board and the city, county, or local health district and shall be paid by the governing board at such times as shall be specified in the contract. This section shall not apply to any district which is under the control of a governing board which has under its control a district or districts having a total average daily attendance of 100,000 or more pupils.

SEC. 5. Section 11754 of the Education Code is amended and renumbered to read:

11704. Anything to the contrary notwithstanding, the governing board of any school district shall cooperate with the local health officer in measures necessary for the prevention and control of communicable diseases in school age children. For that purpose the board may use any funds, property, and personnel of the district, and may permit any person licensed as a physician and surgeon to administer an immunizing agent to any pupil whose parents have consented in writing to the administration of such immunizing agent.

SEC. 6. Section 12058 of the Education Code is amended and renumbered to read:

11705. The governing board of any school district is hereby authorized to expend funds under its jurisdiction for the purpose of carrying out the provisions of this chapter and Chapter 5 (commencing with Section 11951) of this division, and the provisions of Chapter 8 (commencing with Section 3400) of Division 4 of the Health and Safety Code.

SEC. 7. Section 11755 of the Education Code is amended and renumbered to read:

11706. A supervisor of health employed by the county superintendent of schools shall perform such duties in connection with the supervision of the health of pupils as are prescribed by the county superintendent of schools.

SEC. 8. Section 11851 of the Education Code is amended and renumbered to read:

11707. The control of smallpox is under the direction of the State Board of Health, and no rule or regulation on the

subject of vaccination shall be adopted by school or local health authorities.

SEC. 9. Section 12915 of the Education Code is amended and renumbered to read:

11708. No person shall be initially employed by a school district in a certificated or classified position unless the person has submitted to an examination within the past two years to determine that he is free of active tuberculosis, by a physician and surgeon licensed under Chapter 5 (commencing at Section 2000) of Division 2 of the Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intradermal tuberculin test, which, if positive, shall be followed by an X-ray of the lungs.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under Chapter 5 of Division 2 of the Business and Professions Code.

Thereafter all employees shall be required to undergo the foregoing examination at least once in each two years, or oftener if the governing board so determines by rule.

After such examination, each employee shall cause to be on file with the district superintendent of schools a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis. The county board of education may require, by rule, that all such certificates be filed in the office of the county superintendent of schools or shall require such files be maintained in the office of the county superintendent of schools if a majority of the governing boards of the districts within such county so petition the county board of education, except that in either case a district or districts with a common board having an average daily attendance of 60,000 or more may elect to maintain the files for its employees in that district. "Certificate" as used herein means a certificate signed by the examining physician and surgeon or a notice from a public health agency or unit of the Tuberculosis Association which indicates freedom from active tuberculosis. The latter, regardless of form, will constitute evidence of compliance with this section. Nothing in this section shall prevent the governing board from establishing a rule requiring a more extensive physical examination than required by this section but such rule shall provide for reimbursement on the same basis as hereinafter required.

This examination is a condition of initial employment and the expense incident thereto shall be borne by the applicant unless otherwise provided by rules of the governing board. However, the board may, if an applicant is accepted for employment, reimburse such person in a like manner hereinafter prescribed for employees.

The governing board of each district shall reimburse the employee for the cost, if any, of this examination. The board may provide for the examination required by this section or may establish a reasonable fee for such examination that is

reimbursable to employees of the district complying with the provisions of this section.

At the discretion of the governing board this section shall not apply to those employees not requiring certification qualifications who are employed for any period of time less than a school year whose functions do not require frequent or prolonged contact with pupils.

The governing board may, however, require such examination and may as a contract condition require the examination of persons employed for construction or repair work if the board believes the presence of such persons in and around school premises would constitute a health hazard to pupils.

If the governing board of a school district determines by resolution, after hearing, that the health of pupils in the district would not be jeopardized thereby, the provisions of this section shall not apply to any employee of the district who files an affidavit stating that he adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his knowledge and belief he is free from active tuberculosis. If at any time there should be probable cause to believe that such affiant is afflicted with active tuberculosis, he may be excluded from service until the governing board of the employing district is satisfied that he is not so afflicted.

SEC. 10. Section 11902.1 of the Education Code is amended and renumbered to read:

11709. Notwithstanding any provision of any law, no school district, officer of any school district, school principal, physician, or hospital treating any child enrolled in any school in any district shall be held liable for the reasonable treatment of a child without the consent of a parent or guardian of the child when the child is ill or injured during regular school hours, requires reasonable medical treatment, and the parent or guardian cannot be reached, unless the parent or guardian has previously filed with the school district a written objection to any medical treatment other than first aid.

SEC. 11. The heading of Article 4 (commencing with Section 11851) of Chapter 4 of Division 9 of the Education Code is repealed.

SEC. 12. The heading of Article 5 (commencing with Section 11901) of Chapter 4 of Division 9 of the Education Code is amended and renumbered to read:

Article 4. Physical Examination of Pupils

SEC. 12.5. Section 11805 of the Education Code is amended to read:

11805. The governing board of any school district may enter into a contract with a mental health clinic or child guidance clinic for the furnishing to the district by the clinic

of mental health services for the pupils of the district. The use of the words "mental health" and "mental health services" in this section does not express or imply legislative intent with regard to other health services. The terms and conditions governing the providing of such services shall be set forth in the contract. No payment shall be made by the district for services performed by persons who do not possess a credential issued by the State Board of Education covering such service, except as provided in Sections 13293 to 13300, inclusive. When the conditions of the contract have been fulfilled, the cost of services rendered pursuant to such contract may be paid from the funds of the district. The governing board of any city, county, or district which maintains a public mental clinic or child guidance clinic or nonprofit health clinic is authorized to enter such an agreement

SEC. 13. Section 11901 of the Education Code is amended and renumbered to read:

11821. The governing board of any school district shall make such rules for the examination of the pupils in the public schools under its jurisdiction as will insure proper care of the pupils and proper secrecy in connection with any defect noted by the supervisor of health or his assistant and may tend to the correction of the physical defect.

SEC. 14. Section 11902 of the Education Code is amended and renumbered to read:

11822. A parent or guardian having control or charge of any child enrolled in the public schools may file annually with the principal of the school in which he is enrolled a statement in writing, signed by the parent or guardian, stating that he will not consent to a physical examination of his child. Thereupon the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, he shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist.

SEC. 15. Section 11903 of the Education Code is amended and renumbered to read:

11823. The governing board of any school district shall, subject to Section 11822, provide for the testing of the sight and hearing of each pupil enrolled in the schools of the district. The test shall be adequate in nature and shall be given only by duly qualified supervisors of health employed by the district, or by certificated employees of the district or of the county superintendent of schools who possess the qualifications prescribed by the State Board of Education, or by contract with a duly authorized agency, or accredited schools or colleges of optometry, osteopathy, or medicine. The records of the tests shall serve as evidence of the need of the pupils for the educational facilities provided physically handicapped individuals. The equipment necessary to conduct the tests may be purchased or rented by governing boards of school districts.

The state, any agency, or political subdivision thereof may sell or rent any such equipment owned by it to the governing board of any school district upon such terms as may be mutually agreeable.

SEC. 16. Section 11904 of the Education Code is amended and renumbered to read:

11824. A person employed by a school district in a position requiring certification qualifications who holds a valid special credential authorizing the teaching of lipreading or the teaching of the deaf and hard-of-hearing or a standard teaching credential with specialized preparation in the area of the deaf and hard-of-hearing or in the area of the speech and hearing handicapped may, subject to Section 11822, test the hearing of pupils of the district through the use of an audiometer for the purpose of detecting pupils with impaired hearing.

SEC. 17. Section 11905 of the Education Code is amended and renumbered to read:

11825. Upon first enrollment of a child at school, or at the latest when the child reaches the third grade, the child's visual acuity shall be determined by the school nurse or other authorized person under Section 11823. This examination is to be made without cost to the parents. This examination may be waived, if the child's parents so desire, by their presenting of a certificate from a physician and surgeon or an optometrist setting out the results of a determination of the child's visual acuity.

The provision of this section shall not apply to any child whose parents or guardian file with the principal of the school in which the child is enrolling, a statement in writing that they adhere to the faith or teachings of any well recognized religious sect, denomination or organization and in accordance with its creed, tenets, or principles depend for healing upon prayer in the practice of their religion.

SEC. 18. Section 11906 of the Education Code is amended and renumbered to read:

11826. (a) When a defect other than a visual defect has been noted by the supervisor of health or his assistant, a report shall be made to the parent or guardian of the child, asking the parent or guardian to take such action as will cure or correct the defect. Such report, if made in writing, must be made on a form prescribed or approved by the Superintendent of Public Instruction and shall not include therein any recommendation suggesting or directing the pupil to a designated individual for the purpose of curing or correcting any defect referred to in the report.

(b) When a visual defect has been noted by the supervisor of health or his assistant, a report shall be made to the parent or guardian of the child, asking the parent or guardian to take such action as will correct the defect. Such report, if made in writing, must be made on a form prescribed or approved by the Superintendent of Public Instruction and shall not include therein any recommendation suggesting or direct-

ing the pupil to a designated individual or class of practitioner for the purpose of correcting any defect referred to in the report.

(c) The provisions of this section do not prevent a supervisor of health from recommending in a written report that the child be taken to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county, or city department of public health.

SEC. 19. Section 11907 of the Education Code is amended and renumbered to read:

11827. The supervisor of health shall make such reports from time to time as he deems best to the governing board of the school district, or as the board may call for, showing the number of defective children in the schools of the district and the effort made to correct the defects.

SEC. 20. Article 5 (commencing with Section 11851) is added to Chapter 4 of Division 9 of the Education Code, to read:

Article 5. School District Medical Service and Insurance

SEC. 21. Section 11709 of the Education Code is amended and renumbered to read:

11851. The governing board of any school district or districts may provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance from authorized insurer, for pupils of the district or districts injured while participating in athletic activities under the jurisdiction of, or sponsored or controlled by, the district or districts or the authorities of any school of the district or districts. The cost of the insurance or membership may be paid, from the funds of the district or districts, or by the insured pupil, his parent or guardian.

The insurance may be purchased from, or the membership may be taken in, only such companies or corporations as are authorized to do business in this state.

SEC. 22. Section 11710 of the Education Code is amended and renumbered to read:

11852. If the governing board of any school district maintaining junior high schools or high schools does not provide or make available medical and hospital services for pupils of the district injured while participating in athletic activities, in accordance with Section 11851, the board shall notify, in writing, the parent or guardian of each pupil of the district participating in such athletic activities that the services are not provided or made available by the governing board.

SEC. 23. Section 11711 of the Education Code is amended and renumbered to read:

11853. The governing board of any school district or districts which does not employ at least five physicians as full

time supervisors of health, or the equivalent thereof, may provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance or through policies of liability insurance from authorized insurers, for injuries to pupils of the district or districts arising out of accidents occurring while in or on buildings and other premises of the district or districts during the time such pupils are required to be therein or thereon by reason of their attendance upon a regular day school of such district or districts or while being transported by the district or districts to and from school or other place of instruction, or while at any other place as an incident to school-sponsored activities and while being transported to, from and between such places. No pupils shall be compelled to accept such service without his consent, or if a minor without the consent of his parent or guardian. The cost of the insurance or membership may be paid, from the funds of the district or districts, or by the insured pupil, his parent or guardian.

Such insurance may be purchased from, or such membership may be taken in, only such companies or corporations as are authorized to do business in California

SEC. 24. Section 11712 of the Education Code is amended and renumbered to read:

11854. To facilitate the authority referred to in Sections 11851 and 11853 the governing board of the school district or school districts may authorize the distribution by district personnel of such printed matter as may be furnished by the insurer or membership corporation.

SEC. 25. Article 6 (commencing with Section 11870) is added to Chapter 4 of Division 9 of the Education Code, to read:

Article 6. School Meals for Pupils

SEC. 26. Section 11704 of the Education Code is amended and renumbered to read:

11870. The governing board of any school district may provide, without charge or at a reduced price, breakfasts for pupils within the district who are needy. The governing board may provide, without charge or at a reduced price, lunches for pupils who are needy. The governing board of any school district may provide, without charge, lunches for any or all other pupils whether they are needy or not, provided that the governing board has so provided such lunches without charge to all pupils of the district during the 1962–1963 school year.

For purposes of this article a pupil who is "needy" is one who does not otherwise receive proper nourishment.

SEC. 27. Section 11705 of the Education Code is amended and renumbered to read:

11871. The governing board of any school district may, for purposes of providing breakfasts or lunches, without

charge or at a reduced price, under Section 11870, establish rules by which to determine which pupils are needy.

SEC. 28. Section 11706 of the Education Code is amended and renumbered to read:

11872. For the purpose of providing funds with which to obtain breakfasts or lunches, or both, for needy pupils, the governing board of any school district may levy and collect a district tax over and above the maximum elsewhere specified in this code. These funds may also be used to finance the actual and necessary costs of determining the eligibility of pupils for free or reduced-price meals.

SEC. 29. Section 11707 of the Education Code is amended and renumbered to read:

11873. District funds may also be used for the purchase of breakfasts or lunches, or both, for pupils, as provided in Section 11870 or 11871.

SEC. 30. Section 11708 of the Education Code is amended and renumbered to read:

11874. Each official and department of the state having charge of the administering of funds for the relief of indigents may contribute and pay any of the funds subject to his disposal to any school district within the state, to be used by the district for the purchase of breakfasts or lunches, or both, for needy pupils. Every county, city and county, and city within the state may pay any of its funds available for the relief of indigents to any school district, within or partly within the county, city and county, and city for this purpose.

CHAPTER 1049

An act to amend Sections 6730.1 and 6732.1 of the Business and Professions Code, relating to engineers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 6730.1 of the Business and Professions Code is amended to read:

6730.1. Any person registered prior to June 30, 1969, or any person who has been granted permission to use the title "consulting engineer" prior to June 30, 1969, who submits proof satisfactory to the board that he has practiced for five years as a mechanical or electrical engineer, either self-employed or as an employee of an employer receiving wages or salary, shall be permitted to be registered in one or both of these branches.

A person who has been granted permission to use the title "consulting engineer" as provided in Section 6732.1 shall

have complied with this section upon submitting proof that he has, since receiving such permission, continued in that practice of mechanical or electrical engineering or both.

SEC. 2. Section 6732.1 of the Business and Professions Code is amended to read:

6732.1. Any person who has been engaged in the practice of engineering exempt from the provisions of the chapter and who submits proof satisfactory to the board that he has engaged in the activities of a "consulting engineer" for a period of five years prior to the effective date of the amendments made to this section at the 1968 Regular Session shall be exempt from the provisions of Section 6732 as it restricts the use of the title "consulting engineer" if he files application with the board before June 30, 1969, provided such person was qualified to file such application on June 29, 1966, and pays the application fee prescribed by this chapter for registration as a professional engineer, for permission to use that title. Such application shall disclose, under oath, information on the practice and use of the title by the applicant in a recognized engineering activity which has an established curriculum in one or more engineering schools or colleges approved by the board.

The board shall grant an acknowledgment of the filing for the purposes of this section if it finds that the applicant qualified for the exemption provided in this section, and such exemption shall apply so long as the applicant remains in practice and advises the board of any change of address within 30 days of such change. The board may adopt such rules under provisions of the Administrative Procedure Act as are necessary to implement this section.

A person who has been granted permission to use the title "consulting engineer" pursuant to legislation enacted in 1963 and 1965 shall not be required to apply again pursuant to the amendments to this section enacted at the 1968 Regular Session.

The provisions of Articles 5 (commencing with Section 6775), 6 (commencing with Section 6785), and 7 (commencing with Section 6795) of this chapter shall apply to all persons who are granted permission to use the title "consulting engineer" pursuant to legislation enacted in 1963 and 1965 and the amendments to this section enacted at the 1968 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:

There are many persons who previously were able to use the title "consulting engineer," but with the changes made by legislation in 1967, their means of earning a living were seriously affected. This act would allow qualified persons to use the title "consulting engineer" if they file an application be-

fore June 30, 1969, if they were qualified to do so on June 29, 1966. It is imperative that such persons be allowed to utilize their skills.

CHAPTER 1050

An act to add Chapter 16 (commencing with Section 7495) to Division 6 of the Education Code, relating to year-around elementary school operation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Chapter 16 (commencing with Section 7495) is added to Division 6 of the Education Code, to read:

CHAPTER 16. YEAR-AROUND ELEMENTARY SCHOOL OPERATION

Article 1. General Provisions

7495. It is the intent and purpose of the Legislature, by the provisions of this chapter, to authorize the establishment of an experimental four-quarter year-around elementary school program on a mandatory attendance basis at one elementary school maintained by a unified school district which has a current average daily attendance of not less than 30,000 nor more than 35,000. The program should enable the adoption of innovative instructional systems and techniques including special concentration upon critical elements of the required curricula over the longer academic year, permit maximum utilization of school plant, facilities and equipment, permit closer coordination of the elementary school instructional operations with the teacher training operations of many institutions of higher education, permit the most efficient utilization of teachers' specializations, effect the replacement of the present system of lengthy summer vacations with shorter quarterly vacation periods with resultant diminution of pupils' vacation "learning loss," and afford numerous related benefits. This chapter shall be liberally construed to permit the accomplishment of these ends and to facilitate the complete evaluation of the school operations to enable the Legislature to determine what administrative, social, and other problems are presented thereby, and whether the same may feasibly be put into operation on a broader scale throughout the state.

7495.1. The Superintendent of Public Instruction may approve the establishment of a year-around school program in an elementary school maintained by a unified school district for the education of kindergarten and grades 1 to 6, inclusive. The program shall be conducted pursuant to the provisions of

this chapter, and the approval shall be based upon a program proposal submitted by the governing board of the school district demonstrating that the same shall be so conducted.

7495.2. A year-around elementary school program established pursuant to this chapter shall be of an experimental or pilot-program nature and shall have a duration of two full academic years, as established by the governing board of the district for purposes of the program.

7495.3. The State Board of Education shall adopt all rules and regulations prescribing necessary standards and making provision for all other matters necessary for the effective administration of this chapter.

Article 2. Elements of the Year-Around Program

7495.11. A year-around program established pursuant to this chapter shall involve the conduct of school operations throughout a 12-month academic year divided into four academic quarters. Such academic year and academic quarters may be established without reference to the school year as defined in Section 5101. Regular schools and classes shall be conducted for a total of no fewer than 195 nor more than 200 days during such academic year, and each quarter shall be divided into approximately 50 regular schooldays.

7495.12. The provisions of Chapter 6 (commencing with Section 12101) of Division 9, and all other laws relating to compulsory full-time education and the enrollment and attendance of pupils in the kindergarten and elementary grades shall be applicable with respect to the regular schooldays prescribed for the entire academic year and for each academic quarter thereof established for the school at which a program pursuant to this chapter is conducted, and to the attendance area established for such school; subject to the power of the governing board to permit individual pupils to attend schools maintained in other attendance areas. The governing board shall exempt from the year-around program any pupil whose parent or guardian requests such exemption and shall provide transportation to schools in other attendance areas for such pupils.

7495.13. The courses of instruction offered at a school maintained pursuant to this article shall meet all applicable requirements of law, except that the operations of the school shall be exempt from the provisions of Section 7605 and any other requirements prescribed by or pursuant to law fixing a minimum time to be devoted to particular courses of study during any day, week, or other period of lesser duration than a school year, other than the requirements prescribed by or pursuant to Article 7 (commencing with Section 8151) of Chapter 3 of Division 7 relating to physical education. For such purposes the instructional program shall be designed to provide at least the overall equivalent in instruction in each course of study required by law to be provided in kindergarten

and grades 1 to 6, inclusive, upon a pupil's completion of the work prescribed for any particular grade.

7495.14. The governing board of a school district shall prescribe a separate salary schedule for the certificated and classified employees of the district who are employed at an elementary school maintained pursuant to this chapter, and who, because of such employment, will be engaged in rendering services for the district for a greater number of total days during the academic year than would be the case for a regular academic year.

Article 3. Finance

7495.21. A school district maintaining an elementary school pursuant to this chapter, shall be entitled to additional support from the State School Fund on account of the average daily attendance in regular schools and classes in kindergarten and grades 1 to 6, inclusive, of pupils attending the school. The Superintendent of Public Instruction shall prescribe an appropriate procedure under which allowances are to be computed and apportionments and disbursements are to be made to the district for any one or more of the purposes specified in Sections 17303 and 17303.5 for the average daily attendance in kindergarten and grades 1 to 6, inclusive, at such school. The computation of the allowances may be based upon rates reflecting the difference in the length of the academic year established pursuant to this article and the minimum number of days for a school year otherwise prescribed by law for purposes of eligibility for support from the State School Fund. Any additional amounts from the State School Fund to which the district is entitled may be included in allowances, apportionments and disbursements made for any fiscal year during all or part of which the school is maintained pursuant to this chapter by the district.

7495.22. The Superintendent of Public Instruction, notwithstanding any provisions of law to the contrary, shall have the power to require the submission of such reports and information, and to take such other actions as are reasonably necessary to effectuate the purposes of this chapter.

Article 4. Testing and Reports

7495.31. The governing board of the district maintaining an elementary school program pursuant to this chapter shall, under the direction of the Superintendent of Public Instruction, conduct a comprehensive testing program in kindergarten and grades 1 to 6, inclusive, to be directed primarily to ascertaining whether achievement levels of the pupils in attendance at the school involved are raised by the year-around instructional program, as compared to pupils similarly situated and in attendance at the regularly constituted schools of the district and throughout the state. For such purposes the testing program shall, at least, measure the level of accomplishment

of the pupils at the commencement of each academic year, and at the end of each academic year.

7495 32. Within 30 calendar days after the commencement of the regular session of the Legislature convened during the second academic year during which an educational program established pursuant to this chapter is in operation at a school, and within 30 calendar days after the commencement of such a session convened following the expiration of the second academic year, the governing board of the school district, acting through and in conjunction with the Department of Education, shall submit to the Legislature a comprehensive report concerning the same. The report shall contain information concerning the results of the testing program conducted pursuant to Section 7495.31, the administrative and fiscal problems connected with the program, the impact of the program upon the community and its acceptance by citizens, parents, and taxpayers, and all other relevant matters.

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 governing board of at least one unified school district has completed the planning and preparation necessary to put into effect, commencing in September, 1968, at an elementary school maintained by the district, the special year-around program provided for by this act. In order that the necessary final preparations and measures necessary for those purposes may be undertaken as soon as possible by the district and state authorities, it is essential that this act take effect immediately.

CHAPTER 1051

An act to add Section 16801.5 of the Education Code, relating to school transportation.

[Approved by Governor August 6, 1968. Filed with Secretary of State August 6, 1968.]

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

SECTION 1. Section 16801.5 is added to the Education Code, to read:

16801.5. The governing board of any school district may contract with the county superintendent of schools to provide necessary transportation services. The county superintendent of schools, acting pursuant to such a contract, shall have all the powers and duties granted to governing boards by this chapter.

CHAPTER 1052

An act to add Section 247 to the Penal Code, relating to shooting at aircraft.

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

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

SECTION 1. Section 247 is added to the Penal Code, to read:

247. Any person who willfully and maliciously discharges a firearm at an aircraft, whether parked, in motion, or in flight, and whether occupied or unoccupied, is guilty of a felony.

As used in this section "aircraft" means any contrivance intended for and capable of transporting persons through the airspace.

CHAPTER 1053

An act to add Section 5257 to the Education Code, relating to kindergartens.

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

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

SECTION 1. Section 5257 is added to the Education Code, to read:

5257. Notwithstanding any other provision of law to the contrary, the governing board of any school district that maintains one or more elementary schools may elect not to establish and maintain a kindergarten at any elementary school in which there are nine or less applicants for kindergarten attendance in the attendance area of that elementary school, subject to approval of State Board of Education.

CHAPTER 1054

An act to amend Sections 1010, 1064, 1904, 4842, 5004 and 5136 of the Public Utilities Code, relating to fees of the Public Utilities Commission.

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

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

SECTION 1. Section 1010 of the Public Utilities Code is amended to read:

1010. (a) No express corporation or freight forwarder shall after August 1, 1933, commence operating between points in this state or extend its operations to or from any point or points in this state not theretofore served by it, unless and until it first secures from the commission, upon formal application therefor, a certificate that public convenience and necessity require such operation. The commission may, with or without hearing, issue such certificate, or refuse to issue it, or issue it for the partial exercise only of the privilege sought, and may attach to its order granting the certificate such terms and conditions as, in its judgment, the public convenience and necessity require. The commission may at any time, for good cause shown and upon notice to the holder of any such certificate, revoke, alter, or amend any such certificate.

(b) Each application for a certificate of public convenience and necessity made under the provisions of this section shall be accompanied by a fee of five hundred dollars ($500).

(c) A fee of one hundred fifty dollars ($150) shall be paid to the commission for filing each application to sell, mortgage, lease, assign, transfer, or otherwise encumber any certificate subject to the provisions of this section.

SEC. 2. Section 1064 of the Public Utilities Code is amended to read:

1064. Each application for a certificate of public convenience and necessity made under the provisions of this article shall be accompanied by a fee of five hundred dollars ($500).

Except in the case of cement carriers who seek a certificate on the basis of operations prior to June 1, 1963, and continuously thereafter, as provided in Section 1063, the commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by the certificate such terms and conditions as, in its judgment, the public convenience and necessity require. Provided proper application is timely filed, the commission shall issue a certificate to each cement carrier conforming to the proof of good faith operations produced by such cement carrier with respect to its operations prior to June 1, 1963, and continuously thereafter.

SEC. 3. Section 1904 of the Public Utilities Code is amended to read:

1904. The commission shall also charge and collect the following fees:

(a) Except as otherwise provided in Sections 1010, 1036, 1064 and 1064.1, for filing each application for a certificate of public convenience and necessity, or for the mortgage, lease, transfer, or assignment thereof, fifty dollars ($50).

(b) For a certificate authorizing an issue of bonds, notes, or other evidences of indebtedness, one dollar ($1) for each one thousand dollars ($1,000) of the face value of the authorized issue or fraction thereof up to one million dollars ($1,000,000), fifty cents ($0.50) for each one thousand dollars ($1,000) over

one million dollars ($1,000,000) and up to ten million dollars ($10,000,000), and twenty-five cents ($0.25) for each one thousand dollars ($1,000) over ten million dollars ($10,000,000), with a minimum fee in any case of twenty-five dollars ($25). No fee need be paid on such portion of any such issue as may be used to guarantee, take over, refund, discharge, or retire any bond, note, or other evidence of indebtedness on which a fee has theretofore been paid to the commission. If the commission modified the amount of the issue requested in any case and the applicant thereupon elects not to avail itself of the commission's authorization, no fee need be paid.

SEC. 4. Section 4842 of the Public Utilities Code is amended to read:

4842. The fees for licenses, and each renewal thereof, are five hundred dollars ($500) a year, or fraction thereof. All applications for licenses shall be accompanied by the fee, and all licenses, subject to the provisions for renewal, which the commission prescribes, shall expire on December 31st of each year.

SEC. 5. Section 5004 of the Public Utilities Code is amended to read:

5004. The following fees shall be paid to the commission, pursuant to permits issued under the Highway Carriers' Act, Chapter 1 (commencing with Section 3501) of Division 2 of this code, and the City Carriers' Act, Chapter 2 (commencing with Section 3901) of Division 2 of this code.

Five hundred dollars ($500) for filing each application for a permit, except applications for a seasonal permit.

One hundred fifty dollars ($150) for filing each application to sell, mortgage, lease, assign, transfer, or otherwise encumber any permit, except that for the transfer of each permit subsequent to the death of a permittee, and after court approval of the distribution of the estate or when it is not necessary to probate the will or distribute the estate through court, the fee is twenty-five dollars ($25).

Twenty-five dollars ($25) for filing each application for issuance or renewal of a permit to operate as a highway contract carrier on a seasonal basis. Such seasonal permit shall authorize only the transportation of agricultural commodities, including livestock; shall not be issued for a period exceeding three calendar months; and shall not be renewed more than twice in any calendar year.

SEC. 6. Section 5136 of the Public Utilities Code is amended to read:

5136. Each application for issuance of a permit under this chapter shall be accompanied by a fee of five hundred dollars ($500).

The filing fee for an application for transfer of a permit is one hundred fifty dollars ($150), except that for the transfer of each permit subsequent to the death of a permittee, and after court approval of the distribution of the estate or when

it is not necessary to probate the will or distribute the estate through court, the fee is twenty-five dollars ($25).

All fees paid to the commission under this chapter shall be deposited in the Transportation Rate Fund.

SEC. 7. The provisions of this act shall become operative on and after the first day of January 1969.

CHAPTER 1055

An act to add Article 4 (commencing with Section 6550.1) to Chapter 4 of Part 1 of Division 6 of the Health and Safety Code, relating to sanitary districts.

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

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

SECTION 1. Article 4 (commencing with Section 6550.1) is added to Chapter 4 of Part 1 of Division 6 of the Health and Safety Code, to read:

Article 4. Improvement Districts

6550.1. An improvement district may be formed to undertake any project for any one or more of the purposes stated in Section 6512 that is of special benefit to the area of such improvement district, including in any such project, any required investigation, study, analysis, appraisal or financing plan.

6550.2. The formation of an improvement district shall be initiated by a resolution of the district board which shall contain all of the following:

(a) A description of the proposed boundaries of the improvement district proposed to be formed.

(b) A brief general description of the project proposed to be undertaken within such improvement district.

(c) A statement that the proposed project will be a special benefit to such improvement district.

(d) A statement of the district board's intention to undertake the project.

(e) An estimate of the cost of the proposed project.

(f) The method by which the proposed project is proposed to be financed, including the amount of bonded debt, if any, to be incurred; and, 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 one dollar ($1) per one hundred dollars ($100) of the assessed value of the taxable property in such improvement district.

(g) The time, place, and date for a hearing by the district board on the matters stated in such resolution, which shall be not less than 15 nor more than 60 days after the date of adoption of the resolution initiating formation proceedings.

6550.3. The secretary shall give notice of the time and place of the hearing by causing a copy of the resolution adopted pursuant to Section 6550.2 to be published for the time provided by Section 6066 of the Government Code in a newspaper of general circulation, circulated in the proposed improvement district, but if there is no such newspaper, then in one circulated in the county in which the proposed improvement district is situated. The secretary shall also mail copies of the resolution to all landowners owning land within the proposed improvement district.

6550.4. The hearing on the proposed improvement district shall be held by the board of directors upon the date and at the time specified in the resolution initiating proceedings. At the hearing the board of directors shall hear and receive any oral or written protests, objections, or evidence which shall be made, presented, or filed. Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing.

6550.5. The district board shall have power to change the boundaries of the proposed improvement district, the project to be undertaken, the estimate of the cost of the project, the method by which the project is to be financed, or any two or more of such matters; provided, however, that the board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by such improvement and shall exclude from the proposed improvement district any territory which it finds will not be benefited by inclusion therein.

6550.6. If the district board proposes to change the boundaries of the proposed improvement district by adding territory thereto, the project, the estimate of cost, or the method by which the project is to be financed or to increase the proposed maximum amount of the tax, it shall state the proposed change and the time and place for a hearing thereon in a resolution and give notice of such hearing in the manner required by Section 6550.3. At the time and place fixed for the hearing, or at any time and place to which the hearing is adjourned, the district board shall continue with the hearing. At the hearing any person interested, including any person owning property within the district or within the proposed improvement district, may appear and present any matters material to the changes stated in the notice.

6550.7. If prior to the conclusion of the hearing written protests against the formation of the proposed improvement district or the proposed project signed by the current holders of title to taxable property within the proposed improvement district which, as shown by the last equalized assessment roll, constitutes more than one-half of the total assessed value of

taxable property within the proposed improvement district, are filed with the district board, further proceedings relating to the proposed improvement district and the proposed project shall be terminated and no proceedings for the formation of any improvement district to undertake the proposed project shall be instituted for a period of six months following the date of the conclusion of the hearing.

Where taxable property is owned in joint tenancy, tenancy in common, or any other multiple ownership, the first one of such owners who signs the written protest shall commit all such property to the protest.

6550.8. At the conclusion of the hearing, if the proceedings are not terminated pursuant to Section 6550.7, the district board shall by resolution determine whether it is deemed necessary to form the improvement district and to undertake the project and, if so, the amount of any proposed debt to be incurred to finance the project, that the exterior boundaries of the portion of the district which will be benefited are set forth on a map on file with the district board (which map shall govern for all details as to the extent of the improvement district), and that such portion of the district set forth on such map shall thereupon constitute and be known as "Improvement District No. ___ of _____ (name of sanitary district)," and the determination made in said resolution shall be final and conclusive. After the formation of such improvement district within a sanitary district, all proceedings for the purpose of any bond election for the project for which the improvement district was formed shall be limited and shall apply only to such improvement district, and taxes for the payment of such bonds and the interest thereon, shall be derived exclusively from an annual tax upon the taxable property in such improvement district.

6550.9. When the district board has made its determinations as provided in Section 6550.8, and if the board deems it necessary to incur a bonded indebtedness to finance the project for which the improvement district was formed, the board shall by resolution call a special election in such improvement district for the purpose of submitting to the qualified voters thereof, the proposition of incurring such indebtedness by the issuance of bonds of the district for such improvement district. Such 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 name of the improvement district to be benefited by such indebtedness, and that a map showing the exterior boundaries of such improvement district is on file with the district board, 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 derived exclusively from an annual tax upon the taxable property in such 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 be more than the rate specified in this part for bonds of the district, payable at the times specified in this chapter for bonds of the district.

(h) The measure to be submitted to the voters.

(i) The date of the election.

(j) The election precincts, poling places and election officers.

6550.10. Except as otherwise provided in this article, notice of the election shall be given and the election shall be held and conducted in the same manner as elections for the authorization of bonds of the entire sanitary district, and if two-thirds of the votes cast are in favor of incurring the bonded indebtedness, as proposed, bonds of the district, issued in the name of the district and designated "Bonds of _____ (naming the sanitary district) for Improvement District No. __", shall be issued and sold for the amount stated in the resolution calling the election in the same form and manner as bonds of the entire sanitary district. Each bond of the district for an improvement district and all interest coupons thereof, shall state that taxes for the payment thereof shall be derived exclusively from an annual tax upon the taxable property in the improvement district.

6550.11. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted. Any action or proceedings, wherein the validity of the formation of the improvement district or of any bonds issued for it 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, such 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.

6550.12. Any moneys required to be raised from taxes for the purpose of paying the principal of and interest on bonds of the district for an improvement district shall be derived exclusively from an annual tax upon the taxable property in the improvement district of such sanitary district, and all the taxable property within the improvement district of such sanitary district shall be and remain liable to be taxed for such payments. The district board shall annually, at the time and in the manner of levying other district taxes, levy and cause to be collected a tax upon the taxable property in the improvement district, based upon the last equalized assessment roll of the district, sufficient to pay the interest on the bonds for that year and such portion of the principal as is to become due before the

time for making the next general tax levy. Such bonds and the interest thereon shall not be taxable in this state.

6550.13. Subject to such limitations as may be contained in the resolution declaring the improvement district to be formed, the district 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 and to pay the costs of administration, maintenance, and operation of any works or facilities of, or for, such improvement district.

6550.14. The procedure for levying and collecting taxes in any improvement district shall be the same as is provided in Chapter 7 (commencing at Section 6695) of this part for taxes on property in districts.

6550.15. All taxes collected pursuant to this article shall be expended only for the payment of bond principal and interest, or only for the improvement district project for which levied, except that any surplus tax proceeds levied otherwise than for payment of bond principal and interest which remain after the completion of any improvement district project for which levied shall be transferred to the bond interest and redemption fund of such improvement district, if any, otherwise to the district's general fund.

6550.16. For the purpose of any tax levied under this article, the properties within any improvement district shall be deemed to be equally benefited.

6550.17. Territory within a district, but not a part of an improvement district created pursuant to this article, may be annexed to such improvement district whether or not contiguous thereto.

6550.18. Annexation of territory to an improvement district shall be initiated by a resolution of the district board which shall contain at least all of the following:

(a) A description of the territory proposed to be annexed.

(b) A statement that the area to be annexed to the improvement district will be benefited by such annexation.

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

(d) Any additional matters which the district board may determine are necessary or convenient to the annexation proceedings.

6550.19. The resolution shall be published and notice of the hearing on the proposed annexation shall be given, in the manner required by Section 6550 3, except that in applying such section the words "improvement district" shall mean the territory proposed to be annexed.

6550.20. The hearing on the proposed annexation shall be held in the manner required by Section 6550.4, except that in applying such section the words, "improvement district" shall mean the territory proposed to be annexed.

6550.21. The district board shall have the power to change the boundaries of territory proposed to be annexed to an improvement district, but shall not include any territory which, in its judgment, will not be benefited by inclusion within the improvement district, nor shall it exclude any territory which it finds would be benefited by inclusion within the improvement district.

6550.22. If the district board proposes to change the boundaries of the territory proposed to be annexed by adding territory thereto, it shall give notice thereof in the manner provided in Section 6550.19. Owners of land within the affected territory shall be given an opportunity to appear before the district board pursuant to Section 6550.20 and to register any protests.

6550.23. At the conclusion of the hearing, the district board may, by resolution, order the annexation to the improvement district of such territory as it determines will be benefited by inclusion therein.

6550.24. If all the owners of land within the territory proposed to be annexed have given their written assent to such annexation, the board may, by resolution, order such an annexation without notice and hearing by the board.

6550.25. After the adoption of a resolution ordering such annexation, or a resolution confirming an order of annexation following an election thereon, the secretary shall file a certified copy thereof with a map of the territory thus annexed with the county assessor and the county tax collector of each county in which such annexed territory is situated and with the State Board of Equalization.

6550.26. Territory annexed to an improvement district shall be subject to existing bond issues and indebtedness of the improvement district from and after the filing with the county assessor specified in Section 6550.25.

CHAPTER 1056

An act to add Sections 23356.8 and 23356.9 to the Business and Professions Code, relating to alcoholic beverages.

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

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

SECTION 1. Section 23356.8 is added to the Business and Professions Code, to read:

23356.8. A licensed wine blender shall not be issued and shall not own or hold, directly or indirectly, any retailer's license, nor shall the holder of a retailer's license be issued or own or hold, directly or indirectly, a wine blender's license, or own or hold any interest in a wine blender's license.

This section shall not apply to a wine blender with respect to a retailer's license held by him on or before February 2, 1968, or to the holder of a retailer's license with respect to a wine blender's license for which an application for transfer to the holder of the retailer's license was on file with the department on or before February 2, 1968.

SEC. 2. Section 23356.9 is added to the Business and Professions Code, to read:

23356.9. A wine blender's license does not authorize wine-tasting activities or the conducting or sponsoring of wine tastings either on or off the wine blender's licensed premises.

This section shall not apply to a wine blender who was licensed as such on or before February 2, 1968, or with respect to a wine blender's license for which an application for transfer to the holder of a retailer's license was on file with the department on or before February 2, 1968.

CHAPTER 1057

An act to add Section 68511 to the Government Code, relating to legal forms.

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

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

SECTION 1. Section 68511 is added to the Government Code, to read:

68511. The Judicial Council may prescribe by rule the form and content of forms used in the courts of this state. When any such form has been so prescribed by the Judicial Council, no court may use a different form which has as its aim the same function as that for which the Judicial Council's prescribed form is designed. The Judicial Council shall report periodically to the Legislature any statutory changes needed to achieve uniformity in the forms used in the courts of this state.

CHAPTER 1058

An act to amend Sections 2362, 2365, 2368, 2369.5, and 2370 of, to repeal Sections 2363 and 2364 of, and to add Section 2363 to, the Education Code, relating to transfer of territory within school districts.

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

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

SECTION 1. Section 2362 of the Education Code is amended to read:

2362. An action to transfer inhabited territory from an elementary, unified, or junior college district to another elementary, unified, or junior college district is initiated upon the filing with the county superintendent of schools of a petition for transfer signed by 25 percent of the registered electors residing in the territory proposed to be transferred.

SEC. 2. Section 2363 of the Education Code is repealed.

SEC. 3. Section 2363 is added to the Education Code, to read:

2363. An action to transfer uninhabited territory from an elementary, unified, or junior college district is initiated upon the filing with the county superintendent of schools of a petition signed by either:

(a) A majority of the members of the governing board of each school district affected by the proposed change.

(b) The owner of the property, provided said owner has filed a tentative subdivision map with the appropriate county agency.

SEC. 4. Section 2364 of the Education Code is repealed.

SEC. 5. Section 2365 of the Education Code is amended to read:

2365. The county superintendent of schools shall within 20 days after the filing of the petition, examine it and, if he finds it to be sufficient and signed as required by law, transmit the petition to the county committee or to the State Board of Education as provided in this section.

In the case of a petition to transfer territory from a unified district formed under provisions in Chapter 10 (commencing with Section 3101) of this division, the petition shall be transmitted to the State Board of Education unless it is signed by a majority of the members of the governing board of each district affected by the transfer of territory, in which case the procedure shall be the same as that set forth in this article for transfer of territory from elementary districts. In the case of a petition to transfer territory involving a change in a school district master plan proposal approved under Chapter 9 (commencing with Section 3001) of Division 5, the petition shall first be transmitted to the county committee, and thereafter to the State Board of Education. In the case of a petition to transfer territory from any other unified district or from an elementary district, the petition shall be transmitted to the county committee.

SEC. 6. Section 2368 of the Education Code is amended to read:

2368. When the State Board of Education has approved a petition for transfer of territory or when the county committee has adopted its report concerning such a petition, the county superintendent of schools shall set the matter for hearing by the board of supervisors at a regular meeting of the board. The county superintendent shall file the petition with the board together with a copy of a notice containing a general statement of the purpose of the petition, and of the

proposed transfer of territory and the time and place when and where the petition will be heard.

At least 10 days prior to the date of the hearing the county superintendent shall send by registered mail a copy of the notice and a copy of the report of the county committee or a statement as to the approval of the State Board of Education to the chief petitioners, if any have been designated, and to each member of the governing board of each school district whose boundaries would be affected by the proposed change, and shall post copies of the notice as provided in Section 1343 or publish a copy of the notice as provided in Section 1344.

SEC. 7. Section 2369.5 of the Education Code is amended to read:

2369.5. Notwithstanding any provisions of Section 2369 or other sections to the contrary, the governing board of each district affected by the proposed transfer of territory may file written opposition to the transfer with the county superintendent of schools prior to the hearing by the board of supervisors. If written opposition to the transfer of inhabited territory is so filed, the board shall, unless it denies the petition, require an election to be held on the question. The election shall be held only in the territory proposed to be transferred, except that it shall be held in the entire school district from which the territory will be taken if either: (1) at least 25 percent of the assessed valuation of such district is located in such territory and the territory contains no school building, or (2) the territory contains the only school building or buildings of the district.

This section does not apply to a transfer of territory from a unified district formed under Chapter 10 (commencing with Section 3101) of this division to a contiguous unified district.

SEC. 8. Section 2370 of the Education Code is amended to read:

2370. In the case of a petition which has been transmitted to the State Board of Education as provided by Section 2365, the county superintendent of schools shall within 30 days after receiving notice from the State Board of Education that it approves the transfer, call, hold and conduct, in the manner prescribed in Division 4 of this code, an election in the unified school district from which the territory is to be transferred. The ballots at the election shall contain the words "For Transfer—Yes," and "For Transfer—No."

CHAPTER 1059

An act to amend Section 10506 of the Insurance Code, relating to variable benefit insurance contracts.

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

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

SECTION 1. Section 10506 of the Insurance Code is amended to read:

10506. (A) Any domestic life insurance company may, after adoption of a resolution by its board of directors, allocate to one or more separate accounts, in accordance with the terms of a written agreement which shall be filed with the Insurance Commissioner for approval, any amounts which are paid to the company in connection with a pension, retirement or profit-sharing plan, and which are to be applied in payment or in making provision for payment under the company's policies or contracts of retirement benefits, and other benefits incidental thereto, in fixed or variable dollar amounts, or both. The income, if any, and gains or losses, realized or unrealized, on each such account shall be credited to or charged against the amount allocated to the account in accordance with the agreement, without regard to the other income, gains or losses of the company. The amounts allocated to such accounts and accumulations thereon, by any life insurance company shall be invested and reinvested as specified in the agreement, except a domestic company shall invest or reinvest only in such investments described in Article 3 (commencing with Section 1170), and Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Division 1. The limitations contained in Sections 1192.4 and 1198 are not applicable to such investments. Such investments shall not be included in determining the propriety of other investments of the company. The liability of the company with respect thereto, but only to the extent prescribed in the agreement, shall be shown on the statement of the company in the manner prescribed by the commissioner. Amounts allocated by an insurance company to separate accounts in the exercise of the power granted by this section shall be owned by the company, but shall not be chargeable with liabilities arising out of any other business the company may conduct except and to the extent provided in the agreement. The company shall not hold itself out to be a trustee in respect to such amounts.

(B) This section shall not apply to amounts contributed by a participant who is entitled to retirement or other incidental benefits under a pension, retirement or profit-sharing plan, except, this provision shall not be construed to prevent contribution of amounts by a participant or application of amounts to the purchase of retirement or other incidental benefits under

pension, retirement and profit-sharing plans established pursuant to the Self-Employed Individuals' Tax Retirement Act of 1962 nor shall it be construed to prevent contribution or application of amounts to the purchase of retirement or other incidental benefits under pension or retirement plans established pursuant to the provisions of Section 403(b) of the Internal Revenue Code of 1954 as amended.

(C) The purpose and intent of this section is to permit the issuance and delivery of policies or contracts, in connection with a pension, retirement or profit-sharing plan, providing for the payment of benefits in fixed or variable amounts, or both, and the establishment of separate accounts by domestic companies for the administration of and investments under such agreements. To protect the public and policyholders located in this state from hazardous operation by domestic and foreign companies, and to further the purpose and provision of this section, no domestic or foreign life insurance company shall undertake the issuance of any contract providing for variable benefits until said company has satisfied the commissioner that its condition or method of operation in connection with the issuance of such contracts will not be such as would render its operation hazardous to the public or its policyholders in this state and, in the case of a foreign or alien insurer, that it meets the conditions prescribed in Section 716, for the issuance of a certificate of authority. In determining the qualification of a company requesting authority to issue contracts providing for variable benefits within the state the commissioner will consider among other things, (a) the history of the company; (b) the character, responsibility and general fitness of the officers and directors of the company; (c) the regulation of a foreign company by its state of domicile; (d) the adequacy of the investment management which the company is providing; and (e) the company's arrangements for the supervision of the marketing of such contracts. The commissioner may make such reasonable rules and regulations as are necessary, proper and advisable concerning the issuance and delivery of such policies and contracts and the payment of benefits thereunder and the manner in which the separate accounts shall be administered.

Provided, however, that no company may provide variable benefits in its contracts unless it is an admitted insurer having and maintaining a combined capital and surplus of at least two million dollars ($2,000,000).

SEC. 2. Section 10506 of the Insurance Code is amended to read:

10506. (A) Any domestic life insurance company may, after adoption of a resolution by its board of directors, allocate to one or more separate accounts, in accordance with the terms of a written agreement which shall be filed with the Insurance Commissioner for approval, any amounts which are paid to the company in connection with a pension, retirement or profit-sharing plan, or program for one or more persons, and which

are to be, or may be, applied in payment or in making provision for payment under the company's policies or contracts of retirement benefits, and other benefits incidental thereto, in fixed or variable dollar amounts, or both. The income, if any, and gains or losses, realized or unrealized, on each such account shall be credited to or charged against the amount allocated to the account in accordance with the agreement, without regard to the other income, gains or losses of the company. The amounts allocated to such accounts and accumulations thereon, by any life insurance company shall be invested and reinvested as specified in the agreement, except a domestic company shall invest or reinvest only in such investments described in Article 3 (commencing with Section 1170), and Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Division 1, or without limitation in all or any portion of the shares of an investment company or companies (as defined by the Investment Company Act of 1940, Title 15, U.S.C. Sec. 80a-1 et seq.). The limitations contained in Sections 1192.4 and 1198 are not applicable to such investments. Such investments shall not be included in determining the propriety of other investments of the company. The liability of the company with respect thereto, but only to the extent prescribed in the agreement, shall be shown on the statement of the company in the manner prescribed by the commissioner. Amounts allocated by an insurance company to separate accounts in the exercise of the power granted by this section shall be owned by the company, but shall not be chargeable with liabilities arising out of any other business the company may conduct except and to the extent provided in the agreement The company shall not hold itself out to be a trustee in respect to such amounts.

(B) In addition to amounts otherwise allocated to separate accounts, a domestic life insurer may allocate to such account or accounts amounts which otherwise would be subject to investment in accordance with Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Division 1. The aggregate of such additional amounts shall not, however, exceed 1 percent of its admitted assets as of the preceding December 31, or 5 percent of the excess of its admitted assets over its liabilities and required reserves as of the preceding December 31, whichever is the smaller. Such company shall be entitled to withdraw at any time, in whole or in part, its participation in any separate account to which funds have been allocated as provided in this subdivision and to receive, upon withdrawal, its proportionate share of the value of the assets of the separate account at the time of withdrawal.

(C) In addition to the allocations to separate accounts provided for in subdivision (A) of this section, a domestic insurer may, at the request of a policyholder or contractholder or the beneficiary of a policy or contract, allocate to any such separate account or accounts death payments, proceeds of matured endowments, dividends, or surrender values.

(D) Any domestic life insurance company which establishes one or more separate accounts pursuant to this section may provide for special voting rights and procedures for participants in such separate account relating to investment policy, investment advisory services, and selection of certified public accountants in relation to the administration of the assets in any such separate account. Such voting rights shall be in addition to, and shall not affect, voting rights of mutual insurers.

(E) The purpose and intent of this section is to permit the issuance and delivery of policies or contracts, in connection with a pension, retirement or profit-sharing plan, or program for one or more persons, providing for the payment of benefits in fixed or variable amounts, or both, and the establishment of separate accounts by domestic companies for the administration of and investments under such agreements. To protect the public and policyholders located in this state from hazardous operation by domestic and foreign companies, and to further the purpose and provision of this section, no domestic or foreign life insurance company shall undertake the issuance of any contract providing for variable benefits until said company has satisfied the commissioner that its condition or method of operation in connection with the issuance of such contracts will not be such as would render its operation hazardous to the public or its policyholders in this state and, in the case of a foreign or alien insurer, that it meets the conditions prescribed in Section 716, for the issuance of a certificate of authority. In determining the qualification of a company requesting authority to issue contracts providing for variable benefits within this state the commissioner will consider among other things, (a) the history of the company; (b) the character, responsibility and general fitness of the officers and directors of the company; (c) the regulation of a foreign company by its state of domicile; (d) the adequacy of the investment management which the company is providing; and (e) the company's arrangements for the supervision of the marketing of such contracts. The commissioner may make such reasonable rules and regulations as he considers necessary, proper and advisable concerning the issuance and delivery of such policies and contracts and the payment of benefits thereunder and the manner in which the separate accounts shall be administered.

Provided, however, that no company may provide variable benefits in its contracts unless it is an admitted insurer having and maintaining a combined capital and surplus of at least two million dollars ($2,000,000).

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1119 is enacted by the Legislature at the 1968 Regular Session and amends Section 10506 of the Insurance Code, and in such case at the same time as Assembly Bill No. 1119 takes effect at which time Section 10506 of the Insurance Code as amended by Section 1 of this act is repealed.

CHAPTER 1060

An act to amend Sections 186.3, 186.4, 186.5, 823.5, 1808, 2106, 2107.4, 2107.5, 2111, 2113, 2119, and 2151 of, and to add Section 2118 to, the Streets and Highways Code, relating to streets and highways, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 186.3 of the Streets and Highways Code is amended to read:

186.3. Funds apportioned pursuant to Section 2106 shall be expended exclusively for acquisition of rights-of-way for and construction of routes on the select system of county roads and city streets for such county or city established as provided in this section; provided, however, that any expenditure of funds apportioned pursuant to Section 2106 or 2107 for any such purpose upon a state highway, or upon a select system road or street in a county or city, shall be deemed an expenditure upon the select system of the county or city making such expenditure.

Each county and city, to be eligible for allocation and apportionment of funds pursuant to Section 2106 or 2107, shall file a report and map or maps with the department indicating its select system of county roads or city streets, and thereafter each eligible county and city may submit a supplemental report with map or maps recommending proposed additions or deletions to the system where such additions or deletions are warranted by changes brought about by annexations or changes in traffic or land-use patterns or by other causes. Such submittals shall be reviewed and approved or modified by the department and shall constitute the select system upon which funds may thereafter be expended.

All select systems and their modifications or revisions heretofore approved by the commission shall be effective upon the date of such approval.

SEC. 2. Section 186.4 of the Streets and Highways Code is amended to read:

186.4. In selecting or revising the select system of county roads or city streets in accordance with Section 186.3, the county or city, and the department in making its review and modification, if any, shall give consideration to the following criteria:

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

by the department to constitute sufficient cause for exceeding the limit.

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

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

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

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

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

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

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

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

(e) Notwithstanding any other provisions of this section, the general or master plan of county roads, as adopted and modified from time to time by the board of supervisors, may be designated by the board of supervisors as the select system of county roads for the county. The board of supervisors shall endeavor to coordinate the routes in the general or master plan of county roads with route selections of contiguous local jurisdictions and with routes in the state highway system. If the board of supervisors makes the designation authorized by this subdivision, and any route in the general or master plan of county roads is not coordinated with the route selections of a contiguous local jurisdiction, such contiguous local jurisdiction shall not be required, under subdivision (c), to make a showing of coordination of its select system routes with such route.

SEC. 3. Section 186.5 of the Streets and Highways Code is amended to read:

186.5. Whenever local entities are unable to agree upon the number and width of traffic lanes for a street or road proposed

to be constructed by any such entity where such specifications will affect the uniform flow of traffic on a select system road or street from one such local entity to another, the matter may be submitted to the department. The department shall thereupon endeavor to establish such specifications for such street or road proposed to be constructed, and, if established, such specifications shall be binding upon the local entity constructing such road or street.

SEC. 4. Section 823.5 of the Streets and Highways Code is amended to read:

823.5. The department may maintain any street or highway which is not a part of the state highway system whenever all of the following facts exist:

(a) The department has performed upon such street or highway a construction or improvement project;

(b) Such project was financed in whole or in part by moneys contributed by the government of the United States;

(c) Either the governmental agency having jurisdiction over such street or highway, or in the case of annexed areas, the county prior to such annexation, has agreed either with the State of California, acting by and through the department, or with the United States to maintain such street or highway to the satisfaction of the authorized agents of the United States; and

(d) The governmental agency having jurisdiction over such street or highway has failed to so maintain such street or highway, and the authorized agents of the United States have demanded of the department that such street or highway be maintained in accordance with such agreement.

The department shall carefully segregate all items of cost of such maintenance, including not to exceed 10 percent for overhead and administration. In the event the governmental agency having jurisdiction over such street or highway is a county or city, the director shall notify the State Controller of the expenditures by the department on such street or highway. The State Controller thereupon shall deduct from the succeeding apportionments to said county or city from the Highway Users Tax Fund the amount certified by the director and shall place said amount in the State Highway Fund.

SEC. 5. Section 1808 of the Streets and Highways Code is amended to read:

1808. Where practical or desirable, the legislative body of any city shall, along any street or highway under its jurisdiction, possession, or control, replace trees that have been destroyed or removed because of projects undertaken to widen the street or highway.

Money received by a city from the Highway Users Tax Fund available for the widening of streets or highways is also available for the planting of trees pursuant to this section.

SEC. 6. Section 2106 of the Streets and Highways Code is amended to read:

2106. A sum equal to the net revenue derived from one and four one-hundredths cent ($0.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned monthly from the Highway Users Tax Fund among counties and cities for use exclusively for county road and city street purposes, as provided in this section.

The amounts available under this section shall be apportioned, as follows:

(a) Four hundred dollars ($400) per month shall be apportioned to each city and city and county and eight hundred dollars ($800) per month shall be apportioned to each county and city and county.

(b) The balance shall be apportioned, as follows:

(1) A base sum shall be computed for each county by using the same proportions of fee-paid and exempt vehicles as are established for purposes of apportionment of funds under subdivision (c) of Section 2104.

(2) For each county the percentage of the total assessed valuation of tangible property subject to local tax levies within the county which is represented by the assessed valuation of tangible property outside the incorporated cities of the county shall be applied to its base sum, and the resulting amount shall be apportioned to the county. The assessed valuation of taxable tangible property for purposes of this computation shall be that most recently used for countywide tax levies as reported to the State Controller by the State Board of Equalization.

(3) The difference between the base sum for each county and the amount apportioned to the county shall be apportioned to the cities of that county in the proportion that the population of each city bears to the total population of all cities in the county. Populations used for determining expenditure of moneys under Section 2107 are to be used for purposes of this section.

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

SEC. 7. Section 2107.4 of the Streets and Highways Code is amended to read:

2107.4. Two-fifths of the moneys apportioned under the provisions of Section 2107 shall be expended for the construction of streets included in the select system within such city or city and county as established pursuant to the provisions of Section 186.3 of this code.

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

SEC. 8. Section 2107.5 of the Streets and Highways Code is amended to read:

2107.5. In addition to the amounts apportioned to cities from the Highway Users Tax Fund under Sections 2106 and 2107, the following amounts shall be allocated annually during the month of July of each fiscal year for expenditure exclusively for engineering costs and administrative expenses in respect to city streets:

(a) For each city with a population of over 500,000 inhabitants	$20,000
(b) For each city with a population of 100,000 to 500,000 inhabitants	10,000
(c) For each city with a population of 50,000 to 99,999 inhabitants	7,500
(d) For each city with a population of 25,000 to 49,999 inhabitants	6,000
(e) For each city with a population of 20,000 to 24,999 inhabitants	5,000
(f) For each city with a population of 15,000 to 19,999 inhabitants	4,000
(g) For each city with a population of 10,000 to 14,999 inhabitants	3,000
(h) For each city with a population of 5,000 to 9,999 inhabitants	2,000
(i) For each city with a population of less than 5,000 inhabitants	1,000

For the purpose of this section the population in each city shall be determined in accordance with Sections 2107, 2107.1, and 2107.2 at the time of allocation. Any city incorporated after the first day of July of any year shall receive the full annual allocation prescribed in this section, such allocation to be made during the month succeeding the filing or certification of the incorporation by the Secretary of State.

Any city under subdivision (h) or (i) above may expend the moneys allocated to it hereunder for acquisition of rights-of-way for and construction of routes on its select system.

SEC. 9. Section 2111 of the Streets and Highways Code is amended to read:

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

SEC. 10. Section 2113 of the Streets and Highways Code is amended to read:

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

All apportionments of such moneys shall be deposited in said "special gas tax street improvement fund."

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

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

SEC. 10.5. Section 2118 is added to the Streets and Highways Code, to read:

2118. When the State Controller determines it to be necessary, he may require a county or city to deposit money received from the Highway Users Tax Fund in a separate bank account.

SEC. 11. Section 2119 of the Streets and Highways Code is amended to read:

2119. The State Controller shall not draw his warrant upon the Highway Users Tax Fund in favor of any county or city which has failed to establish any road or street fund as required by law, which has failed to deposit money received from the Highway Users Tax Fund in a separate bank account when required under Section 2118, which has failed, neglected or refused to file any report required by law, showing the amount of money received by such county or city from the Highway Users Tax Fund and the disposition thereof, or which has failed, neglected, or refused to restore any such moneys not expended in conformance with any law or constitutional provision. On satisfactory proof by such county or city to the State Controller of the establishment of such road or street fund, the depositing of money in a separate bank account, the filing of such report, or the restoration of the improperly expended moneys, such warrant shall be issued.

A county or city shall have a reasonable time, after notification from the State Controller, to comply with the provisions of this section.

SEC. 12. Section 2151 of the Streets and Highways Code is amended to read:

2151. On or before the first day of October of each year, the governing body of each county and city shall cause to be made and filed with the State Controller a complete report of the expenditures for street or road purposes during the fiscal year ending on the 30th day of June next preceding. The State Controller shall prescribe the form and contents of the report. The board of supervisors of each county shall by appropriate action at any regular or special meeting designate either the county road commissioner or the county auditor as the person responsible for making and signing the report required by this section. When the road commissioner is designated to make and sign the report the county auditor shall certify the report before it is filed with the State Controller. When the county auditor is designated to make and sign the report the road commissioner shall certify the report before it is filed with the State Controller. Reports made by each city shall be certified by the city's fiscal officer.

SEC. 13. Any actions taken by any county or city, or any officers thereof, prior to the effective date of this act which would have been valid if this act had been in effect at the time the action was taken are hereby confirmed, validated, and declared legally effective.

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

In order that the continued appropriate expenditure of gas tax funds on city streets, county roads, and state highways be authorized, thereby permitting the continuation of existing programs of needed street improvement projects, it is necessary that this act take effect immediately.

CHAPTER 1061

An act to add Section 6010.3 to the Revenue and Taxation Code, relating to sales and use taxation.

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

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

SECTION 1. Section 6010.3 is added to the Revenue and Taxation Code, to read:

6010.3. "Sale" and "purchase," for the purposes of this part, do not include (a) the fabrication or transfer by a typographer of composed type or reproduction proofs thereof for use in the preparation of printed matter, or (b) the fabrica-

tion or transfer of such reproduction proofs or impressed mats when the fabrication is for, and the transfer is to, a printer or publisher for use in printing.

The foregoing provisions shall not apply to the fabrication or transfer of a "pasteup," "mechanical" or "assembly" of which a reproduction proof is a component part.

CHAPTER 1062

An act to amend Sections 1806 and 14107 of the Vehicle Code, relating to Department of Motor Vehicles.

[Approved by Governor August 7, 1968. Filed with Secretary of State August 7, 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 in which he was involved are readily ascertainable. At its discretion the department may file and maintain these accident reports and abstracts by electronic recording and storage media and after transcribing electronically all available data from the accident reports and abstracts of conviction may destroy the original documents, except in cases where this code requires mandatory action against a person's driving privilege upon the receipt of such abstracts or reports.

Notwithstanding any other provisions of law, the recorded facts from any electronic recording and storage device maintained by the department shall constitute evidence of such facts in any administrative actions instituted by the department.

SEC 1.5. 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. At its discretion the department may file and maintain these accident reports and abstracts by electronic recording and storage media and after transcribing electronically all available data from the accident reports and abstracts of conviction may destroy the original documents, except in cases where this code requires mandatory

action against a person's driving privilege upon the receipt of such abstracts or reports. Notwithstanding any other provisions of law, the recorded facts from any electronic recording and storage device maintained by the department shall constitute evidence of such facts in any administrative actions instituted by the department.

SEC. 2. Section 14107 of the Vehicle Code is amended to read:

14107. Whenever the department grants a formal hearing as provided in this chapter, the department shall fix a time and place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give 10 days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any formal hearing shall be conducted by the director or by a referee or hearing board appointed by him from officers or employees of the department.

The entire proceedings at any formal hearing may be recorded by a phonographic recorder or otherwise perpetuated by mechanical, electronic, or other means capable of reproduction or transcription.

SEC. 3. The purpose of the amendment to Section 14107 which is made by Section 2 of this act is to clarify and not to change the existing law.

SEC. 4. Section 1.5 of this act shall become operative only if Assembly Bill No. 778 is enacted by the Legislature at its 1968 Regular Session and in such case at the same time as Assembly Bill No. 778 takes effect; at which time Section 1806 of the Vehicle Code as added by Section 1 of this act is repealed.

CHAPTER 1063

An act to add Section 35755 to the Vehicle Code, relating to state highway bridges.

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

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

SECTION 1. Section 35755 is added to the Vehicle Code, to read:

35755. Whenever a state highway bridge is in a dangerous or weak condition, the Department of Public Works may temporarily erect suitable signs at all entrances to such bridge specifying the maximum weight which the bridge may safely sustain. Under no circumstances shall the maximum weight limit so fixed and posted pursuant to this section remain in effect for more than 90 days.

CHAPTER 1064

An act to amend Sections 977, 997, and 1043 of the Penal Code, relating to criminal procedure.

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

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

SECTION 1. Section 977 of the Penal Code is amended to read:

977. (a) In all cases in which the accused is charged with a misdemeanor only, he may appear by counsel only.

(b) In all cases in which a felony is charged, the accused must be present at the arraignment, at the time of plea, during the preliminary hearing, during those portions of the trial when evidence is taken before the trier of fact, and at the time of the imposition of sentence. The accused shall be personally present at all other proceedings unless he shall, with leave of court, execute in open court, a written waiver of his right to be personally present, approved by his counsel, which waiver must then be filed with the court; provided, however, that the court may specifically direct that defendant be personally present at any particular proceeding or portion thereof. The waiver shall be substantially in the following form:

"WAIVER OF DEFENDANT'S PERSONAL PRESENCE

"The undersigned defendant, having been advised of his right to be present at all stages of the proceedings, including but not limited to presentation of and arguments on questions of law, and to be confronted by and cross-examine all witnesses, hereby waives the right to be present at the hearing of any motion or other proceeding in this cause, including when the case is set for trial, when a continuance is ordered, when a motion to set aside the indictment or information pursuant to the provisions of the Penal Code, Section 995 and following is heard, when a motion for reduction of bail or for a personal recognizance release is heard, when a motion to reduce sentence is heard, and when questions of law are presented to or considered by the court. The undersigned defendant hereby requests the court to proceed during every absence of his which the court may permit pursuant to this waiver, and hereby agrees that his interest will be deemed represented at all times by the presence of his attorney the same as if the defendant himself were personally present in court, and further agrees that notice to his attorney that his presence in court on a particular day at a particular time is required will be deemed notice to him of the requirement of his appearance at said time and place.

"Dated:_____.

_____
Defendant

_____
Address

"Approved:
"Dated_____.
"_____
Attorney for Defendant."

SEC. 2. Section 997 of the Penal Code is amended to read:

997. The motion must be heard at the time it is made, unless for cause the court postpones the hearing to another time. The court may entertain such motion prior to trial whether or not a plea has been entered and such plea need not be set aside in order to consider the motion. If the motion is denied, and the accused has not previously answered the indictment or information, either by demurring or pleading thereto, he shall immediately do so. If the motion is granted, the court must order that the defendant, if in custody, be discharged therefrom; or, if admitted to bail, that his bail be exonerated; or, if he has deposited money, or if money has been deposited by another or others instead of bail for his appearance, that the same be refunded to him or to the person or persons found by the court to have deposited said money on behalf of said defendant, unless it directs that the case be resubmitted to the same or another grand jury, or that an information be filed by the district attorney; provided, that after such order of resubmission the defendant may be examined before a magistrate, and discharged or committed by him, as in other cases, if before indictment or information filed he has not been examined and committed by a magistrate.

SEC. 3. Section 1043 of the Penal Code is amended to read:

1043. The defendant must be personally present at the trial; provided, that in case of a misdemeanor charge, if he absents himself with full knowledge that a trial is to be or is being had, the trial may proceed in his absence. If the defendant in a felony case fails to appear at any time during the course of the trial and before the jury has retired for its deliberations or the case has been finally submitted to the judge, and after the exercise of reasonable diligence his presence cannot be procured, the court shall declare a mistrial and the cause may be again tried. Nothing in this section shall limit the right of a defendant to waive his right to be present in accordance with the provisions of Section 977.

CHAPTER 1065

An act to amend Sections 5023.1 and 10010 of, the Streets and Highways Code, relating to public improvements.

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

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

SECTION 1. Section 5023.1 of the Streets and Highways Code is amended to read:

5023.1. "Acquisition" shall mean and include any acquisition necessary or appropriate in connection with any work or improvement authorized to be made under Section 5101 of this code, by gift, purchase, or eminent domain proceedings limited however to the following:

(a) Land, rights-of-way or easements.

(b) Sewage disposal facilities or capacity in or right to use sewage disposal facilities.

(c) Drainage systems or facilities or capacity in or right to use drainage systems or facilities.

(d) The payment in full of all amounts necessary to eliminate any fixed special assessment liens previously imposed upon any assessment parcel included in the new assessment district. The cost of such payment shall be included in the new assessment on such parcel. This subdivision shall be applicable only in cases where such acquisition is incidental to other acquisitions or improvements.

"Acquisition cost" or words of similar import when used in this division shall be deemed to include all incidental expenses in connection with such acquisition.

SEC. 2. Section 10010 of the Streets and Highways Code is amended to read:

10010. "Acquisition", or any of its variants, means and includes one or more of the following:

(a) Any works, improvements, appliances or facilities authorized to be made, constructed or acquired under this division and which are in existence and installed in place on or before the date of adoption of the resolution of intention for the acquisition thereof, any use or capacity rights in any of the foregoing and any works, improvements, appliances or facilities acquired or installed pursuant to Sections 10109 to 10111, inclusive;

(b) Electric current, gas or other illuminating agent for power or lighting service;

(c) Any real property, rights-of-way, easements or interests in real property, acquired or to be acquired by gift, purchase or eminent domain, and which are necessary or convenient in connection with the construction or operation of any work or improvement authorized to be acquired or to be made or constructed under this division, excepting therefrom any such real property, rights-of-way, easements or interests in real

property shown upon any final map filed with or submitted to the legislative body for acceptance and approval under the provisions of the Subdivision Map Act (commencing at Section 11500, Business and Professions Code) and offered for dedication to public use by said map or by any separate offer of dedication theretofore or thereafter made;

(d) The payment in full of all amounts necessary to eliminate any fixed special assessment liens previously imposed upon any assessment parcel included in the new assessment district. The cost of such payment shall be included in the new assessment on such parcel. This subdivision shall be applicable only in cases where such acquisition is incidental to other acquisitions or improvements.

CHAPTER 1066

An act to amend Sections 18013, 18021, 18050, 18051, 18215, 18217, 18219, 18220, 18300, and 18611 of, to add Sections 18010.5, 18053, 18215.5, and 18604 to, and to repeal Section 18052 of, the Health and Safety Code, relating to mobilehomes and mobilehome parks.

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

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

SECTION 1. Section 18010.5 is added to the Health and Safety Code, to read:

18010.5. "Recreational vehicle" is a camp car, motor home, travel trailer or tent trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms, and is identified as a recreational vehicle by the manufacturer.

SEC. 2. Section 18013 of the Health and Safety Code is amended to read:

18013. "Travel trailer" is a vehicle other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the Vehicle Code.

SEC. 3. Section 18021 of the Health and Safety Code is amended to read:

18021. The provisions of this part applicable to mobilehomes shall apply equally to recreational vehicles and trailer coaches except that reasonable variations in standards for recreational vehicles and trailer coaches shall be established by regulations if the department determines such variations will not endanger public health, welfare, or safety.

SEC. 4. Section 18050 of the Health and Safety Code is amended to read:

18050. It shall be unlawful for any person in a mobilehome to use or cause, or permit to be used for occupancy:

(a) Any mobilehome from which any axle or wheel hub has been removed therefrom except for the purpose of making temporary repairs or placing it in dead storage.

(b) Any mobilehome supplied with fuel gas, water, electricity, or sewage connections, unless such connections and installations conform to regulations of the commission.

(c) Any mobilenome which is permanently attached with underpinning or foundation to the ground.

(d) Any mobilehome which does not conform to the registration requirements of the Vehicle Code. A mobilehome which may be moved under permit as provided for in Sections 35780 and 35790 of the Vehicle Code shall be deemed to conform to the requirements of such code within the meaning of this section.

(e) Any mobilehome in an unsanitary condition.

(f) Any mobilehome which is structurally unsound and does not protect its occupants against the elements.

(g) Any mobilehome in which the occupants use any water heater, clothes washer, or clothes dryer, requiring plumbing, mechanical, gas or electrical connections unless such appliance is within the mobilehome or an approved building. No such appliance outside the mobilehome shall be interconnected with the plumbing, mechanical, gas or electrical system of the mobilehome.

(h) Any mobilehome which does not have a current annual vehicle license.

(i) Any mobilehome which does not have the space directly beneath it kept clean and free from refuse, rubbish or other impediments. Such space shall not be used for storage purposes. It may be enclosed. Such enclosures, however, shall not unreasonably impede the movement of the mobilehome, shall be openable for inspection, and cross ventilation on at least three sides shall be provided with no less than two square feet of opening for each 25 linear feet.

SEC. 5. Section 18051 of the Health and Safety Code is amended to read:

18051. (a) Any city, county, or city and county, which has assumed responsibility for the enforcement of Part 2.1 (commencing with Section 18200 of Division 13 pursuant to Section 18300, shall enforce the provisions of Sections 18050, 18053, and 18054, and the regulations adopted pursuant thereto.

(b) Every city, city and county, or county, within its jurisdiction, shall enforce all of the provisions of Sections 18050, 18053, and 18054, and the regulations adopted pursuant thereto, as they relate to mobilehomes and to mobilehome accessory buildings or structures located outside of mobilehome parks.

SEC. 6. Section 18052 of the Health and Safety Code is repealed.

SEC. 7. Section 18053 is added to the Health and Safety Code, to read:

18053. The commission shall adopt regulations for mobilehome accessory buildings or structures. Such regulations shall provide for the construction, location, and use of mobilehome accessory buildings or structures to protect the health and safety of the occupants and the public, and may be enforced by the appropriate enforcement agency.

SEC. 8. Section 18215 of the Health and Safety Code is amended to read:

18215. "Recreational trailer park" is any area or tract of land, within an area zoned for recreational use, where one or more lots are rented or leased or held out for rent, or lease to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.

SEC. 9. Section 18215.5 is added to the Health and Safety Code, to read:

18215.5. "Recreational vehicle" is a camp car, motor home, travel trailer or tent trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms, and is identified as a recreational vehicle by the manufacturer.

SEC. 10. Section 18217 of the Health and Safety Code is amended to read:

18217. "Temporary trailer park" is any area or tract of land where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles and which is established for one operation not to exceed 11 consecutive days, and is then removed

SEC. 11. Section 18219 of the Health and Safety Code is amended to read:

18219. "Travel trailer" is a vehicle other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the Vehicle Code.

SEC. 12. Section 18220 of the Health and Safety Code is amended to read:

18220. "Travel trailer park" is any area or tract of land or a separate designated section within a mobilehome park when one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles used for travel or recreational purposes.

SEC. 13. Section 18300 of the Health and Safety Code is amended to read:

18300. The provisions of this part apply to all parts of the state and supersede any ordinance enacted by any city, county, or city and county, whether general law or chartered,

applicable to the provisions of this part. The commission may adopt regulations to interpret and make specific the provisions of this part and when adopted such regulations shall apply to all parts of the state. Upon 30 days written notice from the governing body to the department, any city, county, or city and county, may assume the responsibility for the enforcement of this part.

In the event of nonenforcement of this part or the regulations adopted pursuant thereto, the provisions of this part and the regulations adopted pursuant thereto shall be enforced by the department in any such city, county, or city and county after the department has given written notice to the governing body of such city, county, or city and county of a violation of this part or the regulations adopted pursuant thereto and the city, county, or city and county has failed to initiate proceedings to secure correction of the violation within 30 days of the date of such notice.

Any city, city and county, or county, upon written notice from the governing body to the department, may cancel its assumption of responsibility for the enforcement of this part. The department, upon receipt of such notice, shall assume such responsibility within 30 days.

The provisions of this part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of their police powers:

(a) From prohibiting mobilehomes or mobilehome parks, travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps within all or certain zones within such city, county, or city and county, or from adopting rules and regulations by ordinance or resolution prescribing standards of lot, yards, or park area, landscaping, walls or enclosures, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps; or

(b) From regulating the construction and use of equipment and facilities located outside of a mobilehome or camp car used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility, or to dispose of sewage or other waste therefrom when such facilities are located outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part, or the regulations adopted pursuant thereto; or

(c) From requiring a permit to use a mobilehome or camp car outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a permit therefor commensurate with the cost of enforcing this part and local ordinance with reference to the use of mobilehomes and camp cars, which permit may be refused or revoked if such use violates any provisions of this

part or Part 2 (commencing with Section 18000) of this division, any regulations adopted pursuant thereto, or any local ordinance applicable to such use; or

(d) From requiring a local building permit to construct an accessory structure for a mobilehome when such mobilehome is located outside a mobilehome park, travel trailer park, recreational trailer park or temporary trailer park, under circumstances which the provisions of this part or Part 2 (commencing with Section 18000) of this division and the regulation adopted pursuant thereto do not require the issuance of a permit therefor by the department.

SEC. 14. Section 18604 is added to the Health and Safety Code, to read:

18604. No mobilehome within a mobilehome park shall be rented or leased unless it bears a department insignia of approval issued pursuant to Section 18056.

SEC. 15. Section 18611 of the Health and Safety Code is amended to read:

18611. (a) The minimum distance required for the separation of a mobilehome from a building shall be 10 feet. The minimum distance required for the separation of a mobilehome from any other mobilehome shall be: 10 feet from side to side, 8 feet from side to rear, and 6 feet from rear to rear; provided, however, that each mobilehome shall not be located closer than 3 feet from the rear or side lot line. The minimum distance required for the separation or location of buildings from property lines shall be in accordance with the requirements of the regulations adopted pursuant to Section 18620 of this part.

The minimum distance required for the separation or location of mobilehome accessory buildings or structures shall be in accordance with the requirements of the regulations adopted pursuant to Section 18053.

(b) In mobilehome parks, or portions thereof, constructed prior to September 15, 1961, no mobilehome shall be located closer than six feet from any permanent building or another mobilehome. The subdivision does not, however, apply to a building which contains only a private toilet or bath, or both, that is constructed for the exclusive use of the occupants of the mobilehome lot.

CHAPTER 1067

An act to add Section 2.5 to Chapter 137 of the Statutes of 1966, First Extraordinary Session, and to add Section 3.5 to Chapter 1679 of the Statutes of 1967, relating to water pollution.

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

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

SECTION 1. Section 2.5 is added to Chapter 137 of the Statutes of 1966, First Extraordinary Session, to read:

Sec. 2.5. Notwithstanding the terms of any agreement executed pursuant to Section 2 of this act, and notwithstanding any other provision of law, there shall be a moratorium on interest payments, if such a moratorium is requested by the North Tahoe Public Utility District, the Tahoe City Public Utility District, or the Truckee Sanitary District, for such time as may be specified in such request, but not to extend beyond the fiscal year 1971–72, with respect to any loans to the North Tahoe Public Utility District, the Tahoe City Public Utility District, or the Truckee Sanitary District authorized pursuant to this act, but such accrued interest amounts, together with interest thereon at the same rate as on the loan, shall be paid in equal annual installments during the remainder of the loan repayment period following the 10-year moratorium on principal payments, or may be paid in such shorter period of time as may be selected by each or all such districts.

The provisions of any existing agreement may be amended to reflect the changes authorized by this section.

SEC. 2. Section 3.5 is added to Chapter 1679 of the Statutes of 1967, to read:

Sec. 3.5. Notwithstanding the terms of any agreement executed pursuant to Section 2 of Chapter 47, Statutes of 1966, First Extraordinary Session, and notwithstanding any other provision of law, there shall be a moratorium on interest payments, if such a moratorium is requested by the South Tahoe Public Utility District, from the effective date of this section until such time as may be specified in such request, but not to extend beyond the fiscal year 1971–72, with respect to any loan to the South Tahoe Public Utility District for the purpose authorized by Chapter 47, Statutes of 1966, First Extraordinary Session, but such accrued interest amounts, together with interest thereon at the same rate as on the loan, shall be paid in equal annual installments during the remainder of the loan repayment period following the 10-year moratorium on principal payments or may be paid in such shorter period of time as may be selected by the district.

The provisions of any existing agreement may be amended to reflect the changes authorized by this section.

CHAPTER 1068

An act to add Article 5 (commencing with Section 491) to Chapter 3 of Division 1 of the Agricultural Code, relating to agriculture.

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

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

SECTION 1. Article 5 (commencing with Section 491) is added to Chapter 3 of Division 1 of the Agricultural Code, to read:

Article 5. Enforcement

491. Except as specifically provided otherwise, the director shall enforce the provisions of this code equally in regard to all agricultural commodities and products sold in California so that the purchasers and users of such commodities and products are assured of uniform protection under the law.

492. In carrying out the provisions of Section 491, the director may conduct such research and investigations as he deems necessary, and may in addition to actual compliance activities, engage in activities designed to promote compliance and eliminate conditions or circumstances which lead to or cause noncompliance.

493. If the director determines that any agricultural commodity or product produced outside of California and sold, transported, or offered for sale in California:

(a) Presents or is likely to present any unusual or particularly dangerous violation of this code or hazard to the public health, or

(b) Fails or is likely to fail with greater frequency than identical or similar California grown commodities or products to comply with the provisions of this code, or

(c) Imposes, or is likely to impose, by reason of the less comprehensive nature or absence of inspection programs or precautionary regulations in the jurisdiction of origin or by reason of the conditions of transportation to California, an unequal burden upon existing state programs; he shall take whatever steps he determines to be necessary to ensure compliance with Section 491.

494. The director may enter into cooperative agreements with any individuals, associations, boards of supervisors, and with departments, divisions, bureaus, boards, or commissions of this state or any other state or the United States, and may expend funds pursuant to such agreements to carry out the purposes of this article.

495. Any actions by the director pursuant to Sections 493 and 494 shall be in accordance with the notice and hearing provisions of Article 4 (commencing with Section 11420) of

Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.

496. The director shall, not later than the 30th legislative day of each regular session of the Legislature, submit to the Legislature a full and true report of any activities and transactions under this article during the preceding year.

SEC. 2. This act shall remain in effect until the 61st day after the final adjournment of the 1970 Regular Session of the Legislature, and shall have no force or effect after that date.

CHAPTER 1069

An act to add Sections 53216.1, 53216.2, 53216.3, and 53216.4 to the Government Code, relating to pension trusts.

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

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

SECTION 1. Section 53216.1 is added to the Government Code, to read:

53216.1. In addition to such other investments as are authorized by this article, the legislative body may in its discretion under the advice of proper counsel invest the assets of the pension trust in an amount, determined on the basis of cost, not to exceed 10 percent of the assets 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 25 percent thereafter, in common stock or shares, and not to exceed 2 percent of the assets in the first year after the effective date of this section, not to exceed 3 percent during the second year after the effective date of this section, and not to exceed 5 percent thereafter, in 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 Public Employees' 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 trust.

SEC. 2. Section 53216.2 is added to the Government Code, to read:

53216.2. The legislative body may also invest the assets of the pension trust 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 trust determined on the basis of the cost of the stocks or shares.

SEC. 3. Section 53216.3 is added to the Government Code, to read:

53216.3. The legislative body shall employ investment counsel or trust companies or trust departments of banks to render service in connection with its investment program.

SEC. 4. Section 53216.4 is added to the Government Code, to read:

53216.4. The legislative body of the local agency shall report annually to the beneficiaries and potential beneficiaries of the pension trust on the status of the trust. The report shall include a description of securities held and a comprehensive report of transactions involving the investment of the assets similar to that required of a life insurance company licensed to do business in California

The annual report shall also include a detailed statement of the expenses of operating the pension trust, including compensation paid, fees paid, operating ratios, and net profit and loss statements, including the acquisition cost, the book value, and market value of the total assets as of the date of the report.

In the matter of commission fees and other fees paid to persons not employed by the local agency for services in connection with investments under this article, the names of those persons to whom such fees are paid and the amounts paid shall be clearly identified in the report.

CHAPTER 1070

An act to amend Sections 10652, 22850, 22852, and 22853 of, and to add Section 22657 to, the Vehicle Code, relating to removal of vehicles.

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

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

SECTION 1. Section 10652 of the Vehicle Code is amended to read:

10652. Whenever any vehicle of a type subject to registration under this code has been stored in a garage, repair shop, parking lot, or trailer park for 30 days, the keeper shall report such fact to the Department of California Highway Patrol in Sacramento by receipted mail, which shall at once notify the legal owner as of record. This section shall not apply to any vehicle stored by a peace officer or employee designated in Section 22657 pursuant to Article 3 (commencing with Section 22850) of Chapter 10 of Division 11 of this code.

SEC. 2. Section 22657 is added to the Vehicle Code, to read:

22657. Any regularly employed and salaried employee who is engaged in the direction of traffic or enforcement of parking regulations when designated by the sheriff of any county or the chief of police of any city may remove a vehicle from a highway, except a freeway, under the following circumstances:

(a) 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.

(b) 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.

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

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

(e) Where the use of the highway or any portion thereof is authorized by local authorities for a purpose other than the normal flow of traffic; or for the movement of equipment, articles or structures of unusual size; and the parking of such

vehicle would prohibit or interfere with such use or movement and signs, giving notice that such vehicle may be removed, are erected or placed at least 24 hours prior to the removal by local authorities pursuant to ordinance.

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

SEC. 3. Section 22850 of the Vehicle Code is amended to read:

22850. Whenever an officer or employee removes a vehicle from a highway, or from public or private property, unless otherwise provided, he shall take the vehicle to the nearest garage or other place of safety or to a garage designated or maintained by the governmental agency of which the officer or employee is a member, where the vehicle shall be placed in storage.

SEC. 4. Section 22852 of the Vehicle Code is amended to read:

22852. Whenever an officer or employee removes a vehicle from a highway, or from public or private property, and stores it under this chapter, and the officer or employee knows or is able to ascertain from the registration records in the vehicle or from the registration records of the Department of Motor Vehicles the name and address of the registered and legal owner thereof, the officer or employee shall immediately give or cause to be given notice in writing to such registered and legal owner of the fact of such removal, the grounds therefor and of the place to which such vehicle has been removed. In the event the vehicle is stored in a public garage a copy of the notice shall be given to the proprietor of the garage.

SEC. 5. Section 22853 of the Vehicle Code is amended to read:

22853. Whenever an officer or employee removing a vehicle from a highway, or from public or private property, for storage under this chapter does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as provided in Section 22852 and in the event the vehicle is not returned to the owner within a period of 120 hours, the officer or employee shall immediately send or cause to be sent written report of such removal by mail to the Department of California Highway Patrol at Sacramento and shall file a copy of the notice with the proprietor of any public garage in which the vehicle may be stored. The report shall be made on a form furnished by such department and shall include a complete description of the vehicle, the date, time and place from which removed, the grounds for removal and the name of the garage or place where the vehicle is stored.

CHAPTER 1071

An act to amend Section 21100 of the Vehicle Code, relating to motor vehicles.

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

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

SECTION 1. Section 21100 of the Vehicle Code is amended to read:

21100. Local authorities may adopt rules and regulations by ordinance or resolution on the following matters:

(a) Regulating or prohibiting processions or assemblages on the highways.

(b) Licensing and regulating the operation of vehicles for hire and the drivers of passenger vehicles for hire.

(c) Regulating traffic by means of traffic officers.

(d) Regulating traffic by means of semaphores or other official traffic control devices.

(e) Licensing and regulating the operation of tow car service.

CHAPTER 1072

An act to amend Sections 20708, 20840 of, and to amend the heading of Article 4 (commencing with Section 20800) of Chapter 7 of Division 8 of, and to add Section 20800.5 to, the Business and Professions Code, relating to petroleum.

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

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

SECTION 1. Section 20708 of the Business and Professions Code is amended to read:

20708. (a) "Sell" or any of its variants, as used in this chapter, includes attempt to sell, offer for sale or assist in the sale of, permit to be sold or offered for sale or delivery or offer for delivery, trade, barter or expose for sale.

(b) "Manufacturer" includes manufacturer, refiner, producer or importer.

(c) "Petroleum products" includes gasoline, diesel fuel, liquefied petroleum gas when used as a motor fuel, distillate, kerosene, or white gasoline, or any motor fuel, or any oil represented as lubricating or motor oil, or any oil used to lubricate transmissions, gears or axles.

(d) "Barrel," when applied to petroleum products, shall consist of forty-two (42) gallons.

SEC. 2. The heading of Article 4 (commencing with Section 20800) of Chapter 7 of Division 8 of the Business and Professions Code is amended to read:

Article 4. Standards for Lubricating Oils and Oils Used to Lubricate Transmissions, Gears or Axles

SEC. 3. Section 20800.5 is added to the Business and Professions Code, to read:

20800.5. Crankcase drainings, lube-distillates or any other product shall not be sold, offered for sale, delivered, offered for delivery or stored as a product for use in lubricating transmissions, gears or axles unless such product conforms to the following specifications.

(a) It shall be free from water and contaminants, including but not limited to harmful abrasives, oxidized oil and corrosive material when tested in accordance with the standard tests therefor; contaminants for the purposes of this section shall not include substances added by the manufacturer which could reasonably be expected to improve performance of the product.

(b) The viscosity grade classification number shall be the same as the latest published Society of Automotive Engineers recommended practice when tested in accordance with the latest method published by the American Society for Testing and Materials.

SEC. 4. Section 20840 of the Business and Professions Code is amended to read:

20840. It is unlawful for any person to sell, offer for sale assist in the sale of, permit to be sold or offered for sale, or deliver or offer for delivery, for internal combustion engines, any gasoline, distillate, kerosene, or white gasoline, diesel fuel, outboard motor fuel, or other motor fuel or any oil represented as lubricating or motor oil, or oils used to lubricate transmissions, gears or axles at any place where petroleum products are kept or stored for sale, unless and until there is firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill-pipe of each underground storage tank, from which or into which such product is drawn or poured out for sale or delivery, a sign or label plainly visible consisting of the name of such product or motor fuel in letters not less than one-half of an inch in height, together with the brand, trademark or trade name of such product, which word or words shall also be in letters of not less than one-half of an inch in height. When such sign or label is used in connection with "lubricating oil" or "motor oil," or oils used to lubricate transmissions, gears or axles, the sign or label shall also have in letters and numerals, plainly visible and not less than one-half of an inch in height, the viscosity grade classification number of such product.

The viscosity grade classification number shall be determined in accordance with the Society of Automotive Engineers latest

recommended practice of crankcase oil or transmission and axle lubricant viscosity classification, and shall be preceded by the letters "S.A.E." Lubricating oil, or motor oil or oils used to lubricate transmissions, gears or axles falling within more than one S.A.E. viscosity grade classification shall be labeled to show the grade or grades for which the supplier intends it for use

On any container with a net content of one United States gallon or less the brand. trademark or trade name, and the S.A.E. viscosity grade classification number or other grade classification number and the words "motor oil," "lubricating oil," "transmission oil," "transmission lubricant," "gear oil," "gear lubricant," "axle oil" or "axle lubricant" may be painted, printed, embossed or otherwise firmly affixed on such containers in letters and numerals not less than one-sixteenth inch in width and not less than one-fourth inch in height, and such designation shall constitute compliance with the provisions of this section.

CHAPTER 1073

An act to amend Section 13739 of the Education Code, relating to the period of time for entry into the permanent classified service.

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

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

SECTION 1. Section 13739 of the Education Code is amended to read:

13739. A person who has served an initial probationary period in a class not to exceed six months or 130 days of paid service, whichever is longer, as prescribed by the rules of the commission shall be deemed to be in the permanent classified service, except that the commission may establish a probationary period in a class not to exceed one year for classes designated by the commission as executive or administrative classes. No employee shall attain permanent status in the classified service until he has completed a probationary period in a class. In any case the rules of the commission may provide for the exclusion of time while employees are on a leave of absence. The rights of appeal from disciplinary action prior to attainment of permanent status in the classified service shall be in accordance with the provisions of Section 13743.

CHAPTER 1074

An act to add Section 13656.1 to the Education Code, relating to school employees.

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

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

SECTION 1. Section 13656.1 is added to the Education Code, to read:

13656.1. Notwithstanding the provisions of Section 13656, if a school district establishes a position or class of positions for which employees are required to work exclusively on weekends and holidays, and for which a special salary rate is established that recognizes the exclusive weekend and holiday peculiarity, the employees and positions may be exempted, by the personnel commission, where applicable, or the governing board from the benefits of Section 13656. No governing board may create a position or a class of positions, under this section, to avoid payment of overtime.

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 1075

An act to amend Section 6761 of, and Section 7375 as added by Chapter 1667 of the Statutes of 1967 to, the Welfare and Institutions Code, relating to mentally disordered criminals.

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

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

SECTION 1. Section 6761 of the Welfare and Institutions Code is amended to read:

6761. (a) A person committed to a state hospital under the provisions of Section 1026 of the Penal Code shall be released therefrom only upon determination that his sanity has been restored, as provided in Sections 1026 and 1026a of the Penal Code, except as otherwise expressly provided in subdivision (b) of this section.

(b) Whenever any such person has been confined in a state hospital for three years or more, and the superintendent is of the opinion that the person has improved to such an extent that he is no longer a menace to the health and safety of others and that the person will receive benefit from parole, the super-

intendent may certify said opinion to the committing court. Within 30 days after the receipt of the certification, after notice to the prosecuting attorney, the court shall approve or disapprove such recommendation. If the approval of the court is given, the superintendent of the hospital may parole the person under such terms and conditions as the superintendent specifies. The parole shall be on the same general terms and conditions as parole of the mentally ill committed under the provisions of this code. If the court disapproves of such recommendation, no further recommendation for parole shall be made by the superintendent until one year has elapsed from the date of the last preceding recommendation.

A person paroled pursuant to this subdivision shall not be deemed to be "released from confinement" within the meaning of Section 1026 of the Penal Code, but shall be deemed to be still "confined" within the meaning of Sections 1026 and 1026a of the Penal Code.

SEC. 2. Section 7375 of the Welfare and Institutions Code as added by Chapter 1667 of the Statutes of 1967 is amended to read:

7375. A patient committed to a state hospital under the provisions of Chapter 6, Title 10, Part 2, of the Penal Code, shall, upon the certificate of the superintendent that the person has recovered, approved by the superior judge of the county from which the patient was committed, be redelivered to the sheriff of such county, and dealt with in accordance with the provisions of the above-mentioned chapter of the Penal Code.

(a) A person committed to a state hospital under the provisions of Section 1026 of the Penal Code shall be released therefrom only upon determination that his sanity has been restored, as provided in Sections 1026 and 1026a of the Penal Code, except as otherwise expressly provided in Subdivision (b) of this section.

(b) Whenever any such person has been confined in a state hospital for three years or more, and the superintendent is of the opinion that the person has improved to such an extent that he is no longer a menace to the health and safety of others and that the person will receive benefit from parole, the superintendent may certify said opinion to the committing court. Within 30 days after the receipt of the certification, after notice to the prosecuting attorney, the court shall approve or disapprove such recommendation. If the approval of the court is given, the superintendent of the hospital may parole the person under such terms and conditions as the superintendent specifies. The parole shall be on the same general terms and conditions as parole of the mentally disordered committed under the provisions of this code If the court disapproves of such recommendation, no further recommendation for parole shall be made by the superintendent until one year has elapsed from the date of the last preceding recommendation.

A person paroled pursuant to this subdivision shall not be deemed to be "released from confinement" within the meaning of Section 1026 of the Penal Code, but shall be deemed to be still "confined" within the meaning of Sections 1026 and 1026a of the Penal Code.

A convict received into a state hospital under the provisions of Section 2684 of the Penal Code, shall, on recovery, be returned to prison in accordance with the provisions of Section 2685 of the Penal Code.

SEC. 3. Section 2 of this act shall become operative upon the operative date of Section 40 of Chapter 1667 of the Statutes of 1967, at which time Section 6761 of the Welfare and Institutions Code as amended by Section 1 of this act is repealed.

CHAPTER 1076

An act to amend Section 27906 of the Vehicle Code, relating to schoolbuses.

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

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

SECTION 1. Section 27906 of the Vehicle Code is amended to read:

27906. Every schoolbus, when operated for the transportation of school pupils shall bear upon the front and rear thereof a plainly visible sign containing the words "schoolbus" in letters not less than eight inches in height. The letters on schoolbus signs shall be of proportionate width.

No vehicle, other than a schoolbus, shall display such a sign.

Every schoolbus, when operated for the transportation of school pupils, shall bear upon the rear thereof, below the rear windows, a plainly visible sign containing the words "Stop When Red Lights Flash" in letters not less than six inches in height. The letters on schoolbus signs shall be of proportionate width.

CHAPTER 1077

An act to amend Section 28122 of the Government Code, relating to county officers.

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

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

SECTION 1. Section 28122 of the Government Code is amended to read:

28122. In a county of the 22nd 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 dollars ($10,000) a year.

(b) The district attorney, twenty-two thousand six hundred thirty-one dollars ($22,631). 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, eight thousand four hundred dollars ($8,400) a year for all services rendered including mileage. When required in the performance of his duties to travel to any point outside the county, and when such travel is made in other than a county vehicle, he shall be entitled to mileage reimbursement not to exceed five cents ($0.05) per mile. He shall be allowed actual costs for expenses incurred in such travel to any point outside of the county.

(d) Trial jurors in the superior court five dollars ($5) for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of fourteen cents ($0.14) for each mile traveled one way each day.

(e) Grand jurors, five dollars ($5) for each day's attendance upon the duly called sessions of the grand jury. In addition, mileage fees shall be allowed grand jurors for attendance at grand jury sessions at the rate of fourteen cents ($0.14) for each mile traveled one way each day.

CHAPTER 1078

An act to amend Section 9051 of the Education Code and Section 897 of the Education Code as proposed by Senate Bill No. 1, relating to annual teachers institute.

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

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

SECTION 1. Section 9051 of the Education Code is amended to read:

9051. 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.

Notwithstanding any other provision to the contrary, teachers employed in junior colleges may be exempted from attendance at or participation in such institute by action of the junior college district involved.

SEC. 2. Section 897 of the Education Code, as proposed by Senate Bill No. 1, is amended to read:

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.

Notwithstanding any other provision to the contrary, teachers employed in junior colleges may be exempted from attendance at or participation in such institute by action of the junior college district involved.

SEC. 3. Section 2 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 Section 9051 of the Education Code as amended by Section 1 of this act, is repealed.

CHAPTER 1079

An act to amend Section 13503.1 of the Education Code, relating to school employees.

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

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

SECTION 1. 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 a lesser period of time than the majority of such employees in the same grades of the district are required to serve 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 required of full-time employees assigned to the same grade. This section shall not apply to any person classified as a temporary employee under Sections 13337 and 13337.5, or any person employed as a part-time employee above and beyond his employment as a full-time employee in the same school 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. This section shall not apply to any person classified as a temporary employee under Section 13337

and 13337.5, or any person employed as a part-time employee above and beyond his employment as a full-time employee in the same school district.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 138 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Senate Bill No. 138 takes effect; at which time Section 13503.1 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 1080

An act to amend Sections 35811 and 35972 of the Agricultural Code, relating to market cream.

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

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

SECTION 1. Section 35811 of the Agricultural Code is amended to read:

35811. Market cream shall conform to all of the standards which are set for market milk of the same grade except those which relate to milk fat and solids-not-fat, and the optional addition of harmless, edible stabilizer-emulsifier either singularly or in combination not exceeding 0.6 of 1 percent, as approved by the director, and except that the maximum bacterial count for market cream shall be 20,000 per milliliter.

SEC. 2. Section 35972 of the Agricultural Code is amended to read:

35972. Half-and-half shall be homogenized and shall otherwise meet all standards and requirements which are specified in this division for market milk, except that it may contain less than 8.35 percent milk solids-not-fat and the optional addition of harmless, edible stabilizer-emulsifier either singularly or in combination not exceeding 0.6 of 1 percent as approved by the director.

CHAPTER 1081

An act relating to the determination of eligibility for supplementary support funds for the fiscal year 1967–1968, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Notwithstanding any provisions to the contrary, for a school district which is not eligible for the increase in foundation program prescribed by Section 17676 of the Edu-

cation Code, if the governing board of the district, during the 1967–1968 fiscal year, adopted a resolution under the authority of Section 17925.5 of the code requesting the levy of the qualifying tax therein specified, but due to a county administrative error in calculating the amount of tax rate necessary the required tax rate was not levied as prescribed, the following procedures shall apply.

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 to meet the requirements of Section 17924.

Under the authority of Section 17414 of the code, the Superintendent of Public Instruction shall apportion to such eligible district the supplemental support funds for 1967–68, that would have been allowed to the district had the tax rate been set as requested.

SEC. 2. This act shall be effective and operative only for the 1968–1969 fiscal year, and thereafter shall have no further force or effect.

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 eligibility of a number of school districts for supplemental support for the elementary grade level has been affected by the setting of insufficient tax rates. In order that rectification can be made during the 1968–69 fiscal year prior to the expiration of the date for setting tax rates, it is essential that this act take effect immediately.

CHAPTER 1082

An act to amend Section 750 of the Welfare and Institutions Code, relating to juvenile court proceedings.

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

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

SECTION 1. Section 750 of the Welfare and Institutions Code is amended to read:

750. Whenever a petition is filed in the juvenile court of a county other than the residence of the person named in the petition, or whenever, subsequent to the filing of a petition in the juvenile court of the county where such minor resides, the residence of the person who would be legally entitled to the custody of such minor were it not for the existence of a court order issued pursuant to this chapter is changed to

another county, the entire case may be transferred to the juvenile court of the county wherein such person then resides at any time after the court has made a finding of the facts upon which it has exercised its jurisdiction over such minor, and the juvenile court of the county wherein such person then resides shall take jurisdiction of the case upon the filing with it of such finding of the facts and an order transferring the case.

CHAPTER 1083

An act to amend Sections 9602, 9603, and 9604 of the Education Code, relating to school textbooks.

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

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

SECTION 1. Section 9602 of the Education Code is amended to read:

9602. The President of the University of California and the president of any state college may order such state textbooks as may be used to advantage by the university or college in giving instruction in elementary subjects, or in giving instruction in the teaching of elementary subjects.

SEC. 2. Section 9603 of the Education Code is amended to read:

9603. Orders for state institutions, the University of California, and state colleges are subject to revision by the Superintendent of Public Instruction.

SEC. 3. Section 9604 of the Education Code is amended to read:

9604. Books shall be delivered free of cost to state institutions, the University of California, or state colleges on the order of the Superintendent of Public Instruction.

CHAPTER 1084

An act to amend Section 1632 of, and to add Sections 1633.5 and 1741.5 to, the Business and Professions Code, relating to the practice of dentistry.

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

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

SECTION 1. Section 1632 of the Business and Professions Code is amended to read:

1632. The applicant shall give demonstrations of his skill in operative and prosthetic dentistry and his judgment in diag-

nosis-treatment planning. His examination may be supplemented by an oral examination.

SEC. 2. Section 1633.5 is added to the Business and Professions Code, to read:

1633.5. Notwithstanding any other provision of this chapter, the board shall waive the written portion of the examination provided for in this chapter for any person who has successfully passed the National Board of Dental Examiner's examination and received a certificate from that board.

SEC. 3. Section 1741.5 is added to the Business and Professions Code, to read:

1741.5. Notwithstanding any other provision of this chapter, the board shall waive the written portion of the examination provided for in this chapter for any person who has successfully passed the National Board of Dental Hygienists examination and received a certificate from that board.

CHAPTER 1085

An act to amend Section 496 of the Penal Code, relating to purchasing or receiving stolen property.

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

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

SECTION 1. Section 496 of the Penal Code is amended to read:

496. 1. Every person who buys or receives any property which has been stolen or which has been obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or who conceals, withholds or aids in concealing or withholding any such property from the owner, knowing the property to be so stolen or obtained, is punishable by imprisonment in a state prison for not more than 10 years, or in a county jail for not more than one year; provided, that where the district attorney or the grand jury determines that such action would be in the interests of justice, the district attorney or the grand jury, as the case may be, may, if the value of the property does not exceed two hundred dollars ($200), specify in the accusatory pleading that the offense shall be a misdemeanor, punishable only by imprisonment in the county jail not exceeding one year.

2. Every person whose principal business is dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative of such person, who buys or receives any property which has been stolen or obtained in any manner constituting theft or extortion, under such circumstances as should cause such person, agent, employee or representative to make reasonable inquiry to as-

certain that the person from whom such property was bought or received had the legal right to sell or deliver it, without making such reasonable inquiry, shall be presumed to have bought or received such property knowing it to have been so stolen or obtained. This presumption may, however, be rebutted by proof.

3. When in a prosecution under this section it shall appear from the evidence that the defendant's principal business was as set forth in the preceding paragraph, that the defendant bought, received, or otherwise obtained, or concealed, withheld or aided in concealing or withholding from the owner, any property which had been stolen or obtained in any manner constituting theft or extortion, and that the defendant bought, received, obtained, concealed or withheld such property under such circumstances as should have caused him to make reasonable inquiry to ascertain that the person from whom he bought, received, or obtained such property had the legal right to sell or deliver it to him, then the burden shall be upon the defendant to show that before so buying, receiving, or otherwise obtaining such property, he made such reasonable inquiry to ascertain that the person so selling or delivering the same to him had the legal right to so sell or deliver it.

CHAPTER 1086

An act to amend Section 8950 of the Health and Safety Code, relating to public cemetery districts.

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

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

SECTION 1. Section 8950 of the Health and Safety Code is amended to read:

8950. The district shall be governed and managed by three or five trustees, as specified in the petition for the formation of the district. The trustees shall be appointed by the board of supervisors of the county, or if the district is in more than one county, by the supervisors of the county in which the largest portion of the district is located. The number of trustees of a district may be increased from three to five, or decreased from five to three, by the board of supervisors upon petition by a majority of the trustees of the district.

CHAPTER 1087

An act to amend the heading of Chapter 7 (commencing with Section 13700) of Division 7 of, and Sections 13700, 13750, 13751, 13752, 13753, 13800, 13802, 13803, 13805, and 13806 of, and to add Section 13711 to, the Water Code, relating to wells.

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

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

SECTION 1. The heading of Chapter 7 (commencing with Section 13700) of Division 7 of the Water Code is amended to read:

CHAPTER 7. WATER WELLS AND CATHODIC PROTECTION WELLS

SEC. 2. Section 13700 of the Water Code is amended to read:

13700. The Legislature finds that the greater portion of the water used in this state is obtained from underground sources and that such waters are subject to impairment in quality and purity, causing detriment to the health, safety and welfare of the people of the state. The Legislature therefore declares that the people of the state have a primary interest in the location, construction, maintenance, abandonment and destruction of water wells and cathodic protection wells, which activities directly affect the quality and purity of underground waters.

SEC. 3. Section 13711 is added to the Water Code, to read:

13711. "Cathodic protection well," as used in this chapter, means any artificial excavation in excess of 50 feet constructed by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.

SEC. 4. Section 13750 of the Water Code is amended to read:

13750. Every person who hereafter intends to dig, bore, or drill a water well or cathodic protection well, or who intends to deepen or reperforate any such well, or to abandon or destroy any such well, shall file with the department a notice of intent to engage in such construction, alteration, destruction, or abandonment prior to commencing such construction, alteration, destruction, or abandonment; provided, that when such construction, alteration, destruction, or abandonment must be accomplished immediately in order to prevent damage to persons or property due to the loss of an existing water supply, such notice shall be filed with the department as soon as possible thereafter, but in any event not more than five days after commencement of such construction, alteration, destruction, or abandonment or repair.

The report shall be made on forms furnished by the department and shall contain such information as the department may require, including, but not limited to: (a) description of the well site sufficiently exact to permit location and identification of the well; (b) proposed date of construction of the well; (c) the use for which the well is intended; (d) the work to be done and a description of type of construction; and (e) in event of late filing, the reasons therefor.

SEC. 5. Section 13751 of the Water Code is amended to read:

13751. Every person who hereafter digs, bores or drills a water well or cathodic protection well, or abandons or destroys any such well, or who deepens or reperforates any such well, shall file with the department a report of completion of such well within 30 days after its construction or alteration has been completed.

The report shall be made on forms furnished by the department and shall contain such information as the department may require, including, but not limited to: (a) description of the well site sufficiently exact to permit location and identification of the well; (b) detailed log of the well; (c) description of type of construction; (d) details of perforation; and (e) methods used for sealing off surface or contaminated waters.

SEC. 6. Section 13752 of the Water Code is amended to read:

13752. Reports made pursuant to Section 13751 shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, that any report shall be made available to any person who obtains a written authorization from the owner of the well.

SEC. 7. Section 13753 of the Water Code is amended to read:

13753. Every person who hereafter converts, for use as a water well or cathodic protection well, any oil or gas well originally constructed under the jurisdiction of the Department of Conservation pursuant to the provisions of Article 4 (commencing with Section 3200), Chapter 1, Division 3 of the Public Resources Code, shall comply with all provisions of this chapter.

SEC. 8. Section 13800 of the Water Code is amended to read:

13800. The department, after such studies and investigations pursuant to Section 231 as it finds necessary, on determining that water well and cathodic protection well construction, maintenance, abandonment, and destruction standards are needed in an area to protect the quality of water used or which may be used for any beneficial use, shall so report to the appropriate regional water quality control board and to the State Department of Public Health. The report shall contain such recommended standards for water well and cathodic protection

well construction, maintenance, abandonment, and destruction as, in the department's opinion, are necessary to protect the quality of any affected water.

SEC. 9. Section 13802 of the Water Code is amended to read:

13802. If the regional board finds that standards of water well and cathodic protection well construction, maintenance, abandonment, and destruction are needed in any area to protect the quality of water used, or which may be used, for any beneficial use, it shall determine the area to be involved and so report to each affected county and city in the area, including in such report the objectives determined by the board as proper and necessary objectives for such standards. The report shall also contain any standards which have been recommended by the department.

SEC. 10. Section 13803 of the Water Code is amended to read:

13803. Each such affected county and city shall, within 120 days of receipt of the report, adopt an ordinance establishing standards of water well and cathodic protection well construction, maintenance, abandonment, and destruction for the area designated by the regional board. Prior to adoption of such ordinance each affected county and city shall consult with all interested parties, including licensed well drillers. A copy of such ordinance shall be sent to the regional board on its adoption and the regional board shall transmit such ordinance to the department for its review and comments.

SEC. 11. Section 13805 of the Water Code is amended to read:

13805. If a county or city fails to adopt an ordinance establishing water well and cathodic protection well construction, maintenance, abandonment, and destruction standards within 120 days of receipt of the regional board's report of its determination that such standards are necessary pursuant to Section 13802, or fails within 90 days to adopt or modify such standards in the manner determined as necessary by the regional board pursuant to Section 13804, the regional board may adopt standards for water well and cathodic protection well construction, maintenance, abandonment, and destruction for the area. Such regional board standards shall be enforced in the same manner and shall have the same force and effect as if adopted as a county or city ordinance.

SEC. 12. Section 13806 of the Water Code is amended to read:

13806. Any action, report, determination, or standard taken or adopted by a regional board pursuant to this article may be reviewed by the state board on its own motion, and shall be reviewed by the state board on the request of any affected person, county, or city, in the same manner as other action or inaction of the regional board is reviewed pursuant to Section 13025. The state board has the same powers as to the review of action or inaction of a regional board under this

article as it has as to other action or inaction of a regional board under Section 13025, including being vested with all the powers granted a regional board to initially determine the need in an area for water well and cathodic protection well construction, maintenance, abandonment, or destruction standards if it finds that appropriate action has not been taken by a regional board.

CHAPTER 1088

An act to amend Sections 3055, 3146, 3147, 3147.5, 3147.6, and 3152 of, and to add Section 3147.7 to, the Business and Professions Code, relating to the practice of optometry.

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

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

SECTION 1. Section 3055 of the Business and Professions Code is amended to read:

3055. (a) All applicants, without discrimination, who satisfactorily pass the examination, shall thereupon be registered in the board's register of optometrists and a certificate of registration shall be issued to each one under the seal and signature of the members of the board. The certificate shall continue in effect through the date provided in Section 3146 which next occurs after its issuance, when it shall expire unless it is renewed in the manner provided in that section.

(b) Following the effective date of the amendment made to this section at the 1968 Regular Session and upon receipt of such application for the same as the board may prescribe, a certificate of registration shall be issued to every person who has satisfactorily passed the examination during 1963, 1964, 1965, 1966, 1967, or 1968 but who has not, as a condition precedent to the issuance of such certificate, paid the initial certificate fee required by this section and prescribed by this chapter under the provisions of the Statutes of 1961, Chapter 366, provided that:

(1) No fact, circumstance, or condition exists which, if the certificate were issued, would justify its revocation or suspension.

(2) No initial certificate fee required by this section and prescribed by this chapter under the provisions of the Statutes of 1961, Chapter 366, prior to the effective date of the amendment made to this section at the 1968 Regular Session shall be refunded if paid.

(3) Such application for a certificate of registration by such person shall, except as otherwise provided herein, be filed with the board prior to the time that such person engages in the practice of optometry in this state and not later than on or before December 31, 1969.

(4) If such person is serving in the armed forces of the United States, he may file his application either while still actively engaged in such service or not later than one year from the date of his discharge from active service or return to inactive military status, but he shall not engage in the practice of optometry in this state other than in active military service without first applying to the board for a certificate of registration.

SEC. 2. Section 3146 of the Business and Professions Code is amended to read:

3146. A certificate issued under this chapter expires at 12 p.m. on January 31 of the year next following its issuance and thereafter at 12 p.m. on January 31 of each odd-numbered year if not renewed. To renew an unexpired certificate, the certificate holder shall, before the time at which the certificate would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

SEC. 3. Section 3147 of the Business and Professions Code is amended to read:

3147. Except as otherwise provided by Section 114 of this code, an expired certificate may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If the certificate is renewed more than 30 days after its expiration, the certificate holder as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the accrued renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the date provided in Section 3146 which next occurs after the effective date of the renewal, when it shall expire if it is not renewed.

A certificate which, under the law in effect before October 1, 1961, became suspended because of the failure of its holder to renew it, shall, for the purposes of this article, be considered to have expired on the date that it became suspended.

SEC. 4. Section 3147.5 of the Business and Professions Code is amended to read:

3147.5. A certificate which has been suspended is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the certificate, while it remains suspended and until it is reinstated, to engage in the practice of optometry, or in any other activity or conduct in violation of the order or judgment by which the certificate was suspended.

A certificate which has been revoked is subject to expiration, but it may not be renewed. If it is reinstated after its expiration, the holder of the certificate, as a condition precedent to

its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus any renewal fee together with any delinquency fee accrued at the time of its revocation.

SEC. 5. Section 3147.6 of the Business and Professions Code is amended to read:

3147.6. Except as otherwise provided by Section 114 of this code, a certificate which is not renewed within five years after its expiration may be restored, thereafter if no fact, circumstance, or condition exists which, if the certificate were restored, would justify its revocation or suspension provided:

(a) The holder of the expired certificate is of good moral character,

(b) The holder of the expired certificate applies in writing for its restoration on a form prescribed by the board,

(c) He pays such fee or fees as would be required of him if he were then applying for a certificate of registration for the first time and had not previously taken the examination for such a certificate.

(d) He takes and satisfactorily passes the regular examination of applicants conducted by the board, and

(e) After having taken and satisfactorily passed the regular examination of applicants for certificates of registration, he pays a restoration fee equal to the renewal fee in effect on the last regular renewal date for certificates of registration.

SEC. 5.5. Section 3147.7 is added to the Business and Professions Code, to read:

3147.7. The provisions of Section 3147.6 shall not apply to a person holding a certificate which has not been renewed within five years after its expiration, if such person provides satisfactory proof that he holds a license from another state and has practiced optometry in such state, during the time period his certificate was expired. Such person may renew his certificate in the manner provided for under Section 3147.

SEC. 6. Section 3152 of the Business and Professions Code is amended to read:

3152. The amount of fees and penalties prescribed by this chapter is that fixed in the following schedule:

(a) The fee for applicants applying for the first time for a certificate of registration who present credentials of graduation from optometry schools in California is twenty-five dollars ($25) which shall not be refunded, except that applicants who are found ineligible to take an examination for a certificate of registration are entitled to a refund of fifteen dollars ($15).

(b) The fee for applicants applying for the first time for a certificate of registration who present credentials of graduation from optometry schools other than those in California is thirty-five dollars ($35) which shall not be refunded, except that applicants who are found ineligible to take an examination for a certificate of registration are entitled to a refund of twenty dollars ($20).

(c) The fee for applicants for a certificate of registration who have previously taken the examination for such a certificate is twenty dollars ($20).

(d) The fee for renewal of a certificate of registration shall be fixed by the board at not more than seventy dollars ($70) nor less than forty dollars ($40) for the biennial renewal period ending on January 31, 1965, and for each biennial renewal period thereafter except that, after the effective date of the amendment made to this section at the 1968 Regular Session, when the year next following issuance of an initial certificate of registration issued under this chapter is an even-numbered year, the fee for renewal of the certificate on or before 12 p.m. on January 31 of the year next following its issuance shall be an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular biennial renewal date before the date on which the certificate is issued.

(e) The delinquency fee is twenty-five dollars ($25).

(f) The annual fee for the renewal of a branch office license is fifteen dollars ($15).

(g) The fee for a branch office license is fifteen dollars ($15).

(h) The penalty for failure to pay the annual fee for renewal of a branch office license is fifteen dollars ($15).

(i) The fee for restoration of a certificate of registration after suspension for failure to comply with the provisions of this chapter relating to branch offices is twenty-five dollars ($25).

(j) The fee for issuance of a certification of issuance of a certification of registration or upon change of name authorized by law of a person holding a certificate of registration under this chapter is five dollars ($5).

CHAPTER 1089

An act to amend Section 28111 of the Government Code, relating to compensation for public service in Fresno County.

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

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

SECTION 1. Section 28111 of the Government Code is amended to read:

28111. In a county of the 11th 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 ten thousand dollars ($10,000) a year.

(b) The district attorney, twenty-three thousand dollars ($23,000) a year. He shall devote his entire time during office

hours to the work of the county and the state and is prohibited from engaging in private work within office hours.

(c) The chairman of the board of supervisors, thirteen thousand seven hundred dollars ($13,700) a year, and each other supervisor, eleven thousand three hundred dollars ($11,300) a year, for all services. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid for the use of the automobile the following sums:

(1) In supervisorial districts containing five hundred (500) miles of road or less, fifty dollars ($50) a month.

(2) In supervisorial districts containing more than five hundred (500) miles, but less than seven hundred fifty (750) miles of road, seventy-five dollars ($75) a month.

(3) In supervisorial districts containing road mileage in excess of seven hundred fifty (750) miles, one hundred dollars ($100) a month.

(d) Grand jurors and trial jurors in the superior court, municipal court, and justice courts, five dollars ($5) a day while engaged in the performance of the duties required of them by law, and mileage at the rate of fifteen cents ($0.15) per mile one way only.

The county officers provided for in this section shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and expenses set forth, except that the members of the board of supervisors, auditor, and district attorney shall be allowed all actual expenses which are necessary to the performance of their duties. The expenses and the salaries designated in this section for such officers, except as specifically provided, shall be full and complete compensation for giving their entire time and attention to the duties required of them by law or which are for any reason imposed upon or performed by them under the laws of or on behalf of the United States, this state, any political subdivision thereof, or any public corporation.

All other fees, statutory mileage, or other remuneration or compensation of any kind or character received by such officers or their deputies from the United States, this state, any political subdivision thereof, or any public corporation shall be paid into the county treasury, except that this requirement does not apply to that portion of any fees collected which is authorized by statute to be paid to other persons or is necessarily diverted to other persons for the purpose of carrying out the objects of the statute.

SEC. 2. Notwithstanding Sections 28160 and 53071 of the Government Code, the salary increase granted to the board of supervisors, and the chairman thereof, by the amendment of Section 28111 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 1090

An act to amend Section 2656 of the Unemployment Insurance Code, relating to unemployment disability insurance.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 2656 of the Unemployment Insurance Code is amended to read:

2656. An individual eligible to receive disability benefits who receives wages or regular wages from his employer during the period of his disability shall be paid disability benefits for any day in an amount not to exceed his maximum daily amount which together with the wages or regular wages does not exceed for such day one-seventh of his weekly wage, exclusive of wages paid for overtime work, immediately prior to the commencement of his disability.

SEC. 2. The provisions of Section 2656 of the Unemployment Insurance Code as amended by this act shall be operative with respect to periods of disability commencing on and after the effective date of this act. The provisions of Section 2656 as in effect prior to the amendments made by this act shall continue to be applicable with respect to periods of disability commencing prior to the effective date of this act.

CHAPTER 1091

An act to add Article 6 (commencing with Section 13770) to Chapter 3 of Division 10 of the Education Code, relating to public education.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Article 6 (commencing with Section 13770) is added to Chapter 3 of Division 10 of the Education Code, to read:

Article 6. Teacher Aides

13770. It is the intent and purpose of the Legislature that teacher aides be employed in the elementary schools of the state, specifically in grades one through six, to the end of assisting classroom teachers in carrying out activities directly related to the classroom instruction of pupils. From the moneys specially appropriated therefor by the Legislature, grants shall be made to school districts pursuant to the specifications

of this article for teacher aide projects approved by the State Board of Education.

13771. The State Board of Education shall establish rules and regulations for the administration of this article which shall include, but not be limited to, the criteria upon which grants shall be made within the amounts appropriated by the Legislature and among the several districts of the state which may apply for such grants.

13772. School districts shall establish standards and procedures for the implementation and conduct of teacher aide projects, authorized under the provisions of this article, which shall meet, but not be limited to, the provisions of Section 13771. Such standards and procedures shall be made a part of a school district grant application as described in this article.

13773. The State Board of Education shall direct that apportionment grants for teacher aide projects be made to school districts on the basis of two thousand dollars ($2,000) per school year per teacher aide employed, diminished by an amount derived by multiplying the ratio which the assessed valuation per unit of average daily attendance during the preceding fiscal year in grades kindergarten through eight in the district bears to the assessed valuation per unit of such average daily attendance in the state times one thousand dollars ($1,000).

13774. All funds received by school districts under the provisions of this article shall be used for and restricted to the purpose of paying the salaries of teacher aides employed under the provisions of this article.

13775. Apportionments for the purpose of this article shall be made upon the order of the Superintendent of Public Instruction and by warrant of the State Controller. Funds apportioned shall be expended by school districts precisely in accordance with the rules and regulations established by the State Board of Education.

13776. Apportionments to a school district shall be in the form of grants, no part of which shall be required to be repaid to the state by the school district.

13777. Programs on projects conducted pursuant to this article shall be deemed a program of compensatory education, or an element thereof, and shall be coordinated with, and be an integral part of, the school district's overall compensatory education plan. The programs and projects shall be subject to the provisions of Section 6467 of the Education Code.

SEC. 2. Funds for the purpose of Article 6 (commencing with Section 13770) of Chapter 3 of Division 10 of the Education Code may be appropriated by the Legislature. Funds available for purposes similar to those of Article 6 (commencing with Section 13770) of Chapter 3 of Division 10 of the Education Code under the provisions of Title III of the Elementary and Secondary Education Act of 1965, as amended by Public Law 90-247 (90th Congress—1st Session) or the Educa-

tion Professions Development Act (P.L. 90-35, Part B and Part D) may also be utilized, in accordance with the allocation thereof made by the Educational Innovation Commission.

CHAPTER 1092

An act to add Section 15686 to the Revenue and Taxation Code, relating to gift taxes.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 15686 is added to the Revenue and Taxation Code, to read:

15686. When, after the death of any person, it is found that no return was made pursuant to this part during his lifetime of a transfer of property subject to gift tax under this part made by him to a class A donee, such failure, solely for the purpose of computing the tax under this part, shall cause such gift to be deemed an incomplete gift and such property shall be included in the estate of the deceased as if such gift had never been made.

CHAPTER 1093

An act to amend Section 28619 of, and to add Sections 28536, 28616.1 and 28694.5 to, the Health and Safety Code, relating to restaurants.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 28536 is added to the Health and Safety Code, to read:

28536. "Commissary" means any restaurant which conforms to the requirements of Article 2 (commencing with Section 28540) of this chapter.

SEC. 2. Section 28616.1 is added to the Health and Safety Code, to read:

28616.1. All mobile units, upon which food is prepared, except mobile units to which the local health officer has issued written authorization to operate at a special public event, shall operate out of a commissary or other facility approved by the local health officer. All mobile units upon which food is prepared shall be subject to approval by the local health officer and shall be cleaned at the approved commissary or other approved facility after each day's use and before being used

again. The commissary shall meet the requirements of Article 2 (commencing with Section 28540) of this chapter, any rules and the regulations applicable to commissaries adopted by the State Board of Public Health pursuant to Section 38694.5, and any additional local standards applicable to commissaries. All mobile units upon which food is prepared shall meet the requirements of Article 3 (commencing with Section 28590) of this chapter, any rules and regulations applicable to mobile units adopted by the State Board of Public Health pursuant to Section 38694.5, and any additional local standards applicable to mobile units.

No food, beverage, or ingredient of food or beverage may be placed on a mobile unit upon which food is prepared except at an approved commissary or other approved facility or directly from a vendor under inspection by the state department or a local health department, or both.

The operator of a mobile unit upon which food is prepared shall maintain a record on such mobile unit which shows the source of all foods, beverages and ingredients of foods and beverages used on such mobile unit and the location of the commissary or other approved facility from which the mobile unit is operated. Such record shall be available for examination by the local health officer or any representative of the state department when the mobile unit is being operated. The failure to maintain such record or the refusal to permit the examination shall be sufficient ground for the revocation of the approval of the mobile unit to operate.

SEC. 3. Section 28619 of the Health and Safety Code is amended to read:

28619. Displays of unpackaged foods, arranged for self-service to the public in an itinerant restaurant other than a mobile unit, shall be effectively shielded so as to intercept a direct line between the customer's mouth and the food being displayed.

No unpackaged foods shall be displayed for self-service to the public on a mobile unit upon which food is prepared.

On a mobile unit upon which food is prepared, food arranged for self-service to the public shall be wrapped or packaged so as to be protected from dust, flies, vermin, droplet infection or other contamination and shall be labeled as required in Chapter 3 (commencing with Section 26450) of this division.

SEC. 4. Section 28694.5 is added to the Health and Safety Code, to read:

28694.5. The State Board of Public Health shall adopt rules and regulations prescribing such additional requirements for commissaries and mobile units upon which food is prepared and for the administration of Articles 2 (commencing with Section 28540) and 3 (commencing with Section 28590) of this chapter as it determines are reasonably necessary for the protection of the public health and safety. Any violation of such rules and regulations is a violation of this chapter.

CHAPTER 1094

An act to add Sections 25601.2 and 25851.2 to the Education Code, relating to blind and deaf pupils.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 25601.2 is added to the Education Code, to read:

25601.2. If a school district makes a payment in excess of the amount due the department under the provisions of Section 25601.1, the department shall refund to the district, from the appropriation to which the payment was credited, the amount that is in excess of the amount due.

SEC. 2. Section 25851.2 is added to the Education Code, to read:

25851.2. If a school district makes a payment in excess of the amount due the department under the provisions of Section 25851.1, the department shall refund to the district, from the appropriation to which the payment was credited, the amount that is in excess of the amount due.

CHAPTER 1095

An act to amend Sections 4733 and 4765 of the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 4733 of the Health and Safety Code is amended to read:

4733. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his services for each meeting attended by him; provided, that said compensation shall not exceed fifty dollars ($50) for each meeting of the district board attended by him, not to exceed one hundred dollars ($100) in any one month, together with expenses necessarily incurred by him in traveling between his place of residence and the place of meeting. The compensation herein mentioned shall be in addition to any other fees or compensation allowed by law for the other official positions mentioned in Section 4730 that are occupied by members of said district board.

Each member of the district board shall, in addition, 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.

SEC. 2. Section 4765 of the Health and Safety Code is amended to read:

4765. Any district, directly or through a representative, may attend the Legislature and any committees thereof and present information to aid the passage of legislation which the district deems beneficial to the district or to prevent the passage of legislation which the governing board of the district deems detrimental to the district. The cost and expense incident thereto are proper charges against the district. Such districts may enter into and provide for participation in the business of associations and through a representative of the associations attend the Legislature, and any committees thereof, and present information to aid the passage of legislation which the association deems beneficial to the districts in the association, or to prevent the passage of legislation which the association deems detrimental to the districts in the association. The cost and expense incident thereto are proper charges against the districts comprising the association.

Each member of the district board engaging in such activities on behalf of the district 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 1096

An act to amend Section 4767 of the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 4767 of the Health and Safety Code is amended to read:

4767. Any county sanitation district may, in addition to its other powers, acquire, construct, control, operate, and maintain waterworks, conduits, reservoirs, storage sites, and other works and facilities for the production, treatment, storage and distribution of a water supply for domestic and other uses. The district may also purchase water from any other utility district, public agency, person, or private company, and distribute it.

The district may only distribute and sell to retail customers domestic water supplies outside the district by means of facilities designed primarily to serve inside the district. Before a district may so distribute and sell to retail customers domestic water supplies within the boundaries of another district or municipality which has the same or similar powers with respect to domestic water supplies, it shall secure the consent of the governing body of such other district or municipality to do so.

CHAPTER 1097

An act to add Title 13 (commencing with Section 1822.50) to Part 3 of the Code of Civil Procedure, relating to inspection warrants.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Title 13 (commencing with Section 1822.50) is added to Part 3 of the Code of Civil Procedure, to read:

TITLE 13. INSPECTION WARRANTS

1822.50. An inspection warrant is an order, in writing, in the name of the people, signed by a judge of a court of record, directed to a state or local official, commanding him to conduct any inspection required or authorized by state or local law or regulation relating to building, fire, safety, plumbing, electrical, health, or zoning.

1822.51. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the place dwelling, structure, premises, or vehicle to be searched and the purpose for which the search is made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent.

1822.52. Cause shall be deemed to exist if either reasonable legislative or administrative standards for conducting a routine or area inspection are satisfied with respect to the particular place, dwelling, structure, premises, or vehicle, or there is reason to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises, or vehicle.

1822.53. Before issuing an inspection warrant, the judge may examine on oath the applicant and any other witness, and shall satisfy himself of the existence of grounds for granting such application.

1822.54. If the judge is satisfied that cause for the inspection exists, he shall issue the warrant particularly describing each place, dwelling, structure, premises, or vehicle to be inspected and designating on the warrant the purpose and limitations of the inspection, including the limitations required by this title.

1822.55. An inspection warrant shall be effective for the time specified therein, but not for a period of more than 14 days, unless extended or renewed by the judge who signed and issued the original warrant, upon satisfying himself that such extension or renewal is in the public interest. Such inspection warrant must be executed and returned to the judge by whom it was issued within the time specified in the warrant or within

the extended or renewed time. After the expiration of such time, the warrant, unless executed, is void.

1822.56. An inspection pursuant to this warrant may not be made between 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, nor in the absence of an owner or occupant of the particular place, dwelling, structure, premises or vehicle unless specifically authorized by the judge upon a showing that such authority is reasonably necessary to effectuate the purpose of the regulation being enforced. An inspection pursuant to a warrant shall not be made by means of forcible entry, except that the judge may expressly authorize a forcible entry where facts are shown sufficient to create a reasonable suspicion of a violation of a state or local law or regulation relating to building, fire, safety, plumbing, electrical, health, or zoning, which, if such violation existed, would be an immediate threat to health or safety, or where facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. Where prior consent has been sought and refused, notice that a warrant has been issued must be given at least 24 hours before the warrant is executed, unless the judge finds that immediate execution is reasonably necessary in the circumstances shown.

1822.57. Any person who willfully refuses to permit an inspection lawfully authorized by warrant issued pursuant to this title is guilty of a misdemeanor.

CHAPTER 1098

An act to amend Sections 14910, 15101, 15600, and 15601 of, to add Section 14911 to, and to repeal Section 14911 of, the Financial Code, relating to credit unions.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 14910 of the Financial Code is amended to read:

14910. No credit union shall:

(a) Make loans to any director, officer, member of the credit committee, or member of the supervisory committee directly or indirectly which results in such person owing an amount greater than the amount invested by him in the credit union unless all of the following requirements are satisfied:

(1) The loan complies with all lawful requirements of this division with respect to loans to other borrowers and is not on terms more favorable than those extended to other borrowers.

(2) Upon the making of the loan, the aggregate amount of loans outstanding to directors, officers, members of the credit committee and their alternates, or members of the supervisory

committee will not exceed 10 percent of the unimpaired capital and surplus of the credit union.

(3) The loan does not exceed 1 percent of the unimpaired capital and surplus of the credit union, or five thousand dollars ($5,000), whichever is less.

(4) The loan is approved by the credit committee and by the board of directors.

(5) The borrower takes no part in the consideration of his application and does not attend any committee or board meeting while his application is under consideration.

(b) Permit any director, officer, member of the credit committee, or member of the supervisory committee to become surety for any loan or advance made by the credit union.

SEC. 2. Section 14911 of the Financial Code is repealed.

SEC. 3. Section 14911 is added to the Financial Code, to read:

14911. The board of directors shall declare the office of any director, officer, or committee member vacant if such person fails to reduce any indebtedness to the credit union for which he is liable in a timely manner according to the terms of the obligation.

SEC. 4. Section 15101 of the Financial Code is amended to read:

15101. The capital funds, undivided profits, and guaranty fund of any credit union may be deposited in any of the following:

(a) Savings banks, state banks, or trust companies, incorporated under the laws of this state.

(b) National banks located in this state.

(c) Securities authorized in Sections 1352 to 1366, inclusive, and in Section 1372.

(d) Shares or certificates for funds received or any form of evidence of interest or indebtedness issued by any credit union in this state, organized under the provisions of this division or the statutes of the United States relating to credit unions.

(e) Accounts with, investment certificates or withdrawable shares of, any savings and loan association doing business in this state and which is an insured institution as defined by Title IV of the National Housing Act; provided that the total sum invested by any credit union in any one savings and loan association pursuant to this section shall not exceed the greater of one-fourth of 1 percent of such savings and loan association's total withdrawable accounts or fifteen thousand dollars ($15,000).

SEC. 5. Section 15600 of the Financial Code is amended to read:

15600. Any credit union may, with the approval of the commissioner, and in accordance with such rules as the commissioner makes, merge with another credit union of like community interest in membership, or with a central credit union, under the charter of such other credit union. For purposes of this section, central credit unions are defined as credit unions

whose membership includes, but is not limited to, other credit unions, members of credit unions, credit union employees, employees of organizations serving credit unions, and the families of such members.

SEC. 6. Section 15601 of the Financial Code is amended to read:

15601. The merger shall be made pursuant to any plan agreed upon by the majority of the board of directors of each credit union joining in the merger, and approved by the affirmative vote of at least a majority of the members of each such credit union, in person or by proxy, at meetings of the members called for that purpose or by written consent of a majority of the members of each credit union.

CHAPTER 1099

An act to amend and renumber Sections 416.1 and 416.2 of, to add Sections 416, 416.1, 416.2, 416.3, 416.4, 416.5, 416.6, 416.7, 416.8, 416.9, 416.10, 416.11, 416.12, 416.13, 416.14, 416.15, 416.16, 416.17, 416.18, 416.19, and 416.20 to, and to repeal Section 416 of, the Health and Safety Code, relating to mentally retarded persons.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 416 of the Health and Safety Code is repealed.

SEC. 2. Section 416 is added to the Health and Safety Code, to read:

416. The Director of Public Health may be appointed as either guardian or conservator of the person and estate, or person or estate, of any mentally retarded person, who is either of the following: (1) Eligible for the services of a regional center. (2) A patient in any state hospital, and who was admitted or committed to such hospital from a county served by a regional center.

SEC. 3. Section 416.1 of the Health and Safety Code is amended and renumbered to read:

416.23. This article does not authorize the care, treatment, or supervision or any control over any mentally retarded person without the written consent of his parent or guardian.

SEC. 4. Section 416.1 is added to the Health and Safety Code, to read:

416.1. As used in this article, "Guardianship Act" refers to Division 4 (commencing with Section 1400) of the Probate Code and "Conservatorship Act" refers to Division 5 (commencing with Section 1701) of the Probate Code. Unless exceptions are expressly made in this article, the provisions of

the Guardianship Act and the Conservatorship Act shall apply to guardianship and conservatorship appointments made under this article.

SEC. 5. Section 416.2 of the Health and Safety Code is amended and renumbered to read:

416.24. The agency operating a regional center may enter into agreements with parents, guardians, persons responsible for the care of the mentally retarded, or estates of mentally retarded persons, to use such amounts as they may be able to pay toward the cost of services for such mentally retarded persons. In no event, however, shall there be any charge for diagnosis or counseling.

SEC. 6. Section 416.2 is added to the Health and Safety Code, to read:

416.2. The Mental Retardation Program and Standards Advisory Board shall adopt policy guidelines for the guidance of the Director of Public Health in performing his duties under this article. The Director of Public Health shall adopt rules and regulations for the interpretation and implementation of this article. Such rules and regulations shall be consistent with any policy guidelines adopted by the board whenever such guidelines exist.

SEC. 7. Section 416.3 is added to the Health and Safety Code, to read:

416.3. The director may accept and expend grants, gifts, and legacies of money and, with the consent of the Department of Finance, may accept, manage, and expend grants, gifts and legacies of other property, in furtherance of the purposes of this article.

SEC. 8. Section 416.4 is added to the Health and Safety Code, to read:

416.4. The director may enter into agreements with any person, agency, corporation, foundation, or other legal entity to carry out the purposes of this article.

SEC. 9. Section 416.5 is added to the Health and Safety Code, to read:

416.5. The director may be nominated by any one of the following to act as guardian or conservator for any mentally retarded person (1) who is or may become eligible for the services of a regional center, or (2) who is a patient in any state hospital, and who was admitted or committed to such hospital from a county served by a regional center:

(a) A parent, relative or friend.

(b) The guardian or conservator of the person or estate, or person and estate, of the mentally retarded person to act as his successor.

(c) The mentally retarded person.

Such nomination shall be in writing and may provide that the authority of the director is to take effect at some date or occurrence in the future that may be fixed in the nomination.

The director shall promptly accept or reject such nomination in writing. His acceptance shall be binding upon him and

his successors. Any nomination to take effect in the future may be withdrawn by the nominator before its effective date.

SEC. 10. Section 416.6 is added to the Health and Safety Code, to read:

416.6. In every case in which he has agreed to do so, the director may petition for his appointment to act as conservator or guardian of the alleged mentally retarded person and his estate or his person or estate in the superior court of the county where the main administrative office of the regional center serving such mentally retarded person is located.

SEC. 11. Section 416.7 is added to the Health and Safety Code, to read:

416.7. If the alleged mentally retarded person is within the state and is able to attend, he shall be present at the hearing. If he is unable to attend by reason of physical or other inability, such inability shall be evidenced by the affidavit or certificate of a duly licensed medical practitioner as provided in Section 1461 of the Probate Code, in the case of a guardianship petition, or in Section 1754 of the Probate Code, in the case of a conservatorship proceeding. Such affidavit or certificate shall be filed no later than 10 days prior to the time of the hearing.

SEC. 12. Section 416.8 is added to the Health and Safety Code, to read:

416.8. In addition to the requirements of the Guardianship Act or the Conservatorship Act, as the case may be, the court shall be provided by the regional center with a complete evaluation of the mentally retarded person for whose protection the appointment is sought. The report shall include a current diagnosis of his physical condition prepared under the direction of a licensed medical practitioner and a report of his current mental condition and social adjustment prepared by a licensed and qualified social worker or psychologist. The evaluation report required by this section shall not be made part of the public record of the guardianship or conservatorship proceedings and shall be open to inspection only by court personnel, the person who is the subject of the proceeding, his parents, guardian or conservator, the attorneys for such parties, and such other persons as may be designated by the court. If an affidavit or certificate has been filed as provided in Section 416.7 evidencing the inability of the alleged mentally retarded person to be present at the hearing, the psychologist or social worker who assists in preparing the report shall visit the alleged mentally retarded person and be prepared to testify as to his present condition.

SEC. 13. Section 416.9 is added to the Health and Safety Code, to read:

416.9. The court may appoint the Director of Public Health as guardian or conservator of the person and estate or person or estate of a minor or adult mentally retarded person. The preferences established in Probate Code Section

1753 for appointment of a conservator shall not apply. An appointment of the Director of Public Health as conservator shall not constitute a judicial finding that the mentally retarded person is legally incompetent.

SEC. 14. Section 416.10 is added to the Health and Safety Code, to read:

416.10. No appointment of both the Director of Public Health and a private guardian or conservator shall be made for the same person and estate, or person or estate. The Director of Public Health may be appointed as provided in this article to succeed an existing guardian or conservator upon the death, resignation or removal of such guardian or conservator.

SEC. 15. Section 416.11 is added to the Health and Safety Code, to read:

416.11. No costs or fees shall be charged or received by the county clerk for the filing of any conservatorship or guardianship petition as provided in this article, or for any official services performed by him in the course of the proceeding under this article.

SEC. 16. Section 416.12 is added to the Health and Safety Code, to read:

416.12. The Director of Public Health shall file an official bond in no event less than twenty-five thousand dollars ($25,000), which bond shall inure to the joint benefit of the several guardianship or conservatorship estates and the State of California, and the Director of Public Health shall not be required to file bonds in individual cases.

SEC. 17. Section 416.13 is added to the Health and Safety Code, to read:

416.13. The appointment by the court of the Director of Public Health as conservator or guardian shall be by the title of his office. The authority of the Director of Public Health as conservator or guardian shall cease upon the termination of his term of office as such Director of Public Health and his authority shall vest in his successor or successors in office without further court proceedings. The Director of Public Health shall not resign as conservator or guardian unless his resignation is approved by the court.

SEC. 18. Section 416.14 is added to the Health and Safety Code, to read:

416.14. The Director of Public Health shall consult with mentally retarded persons and their families with respect to the services he offers, and, in addition, shall:

(a) Act as adviser for those mentally retarded persons who request his advice and guidance or for whose benefit it is requested.

(b) Accept appointment as conservator of the person and estate, or person or estate, of those mentally retarded persons who need his assistance and protection, but who have not been judicially determined to be legally incompetent. Such appoint-

ment shall not constitute a finding that the mentally retarded person is legally incompetent.

(c) Accept appointment as guardian of the person and estate, or person or estate of those mentally retarded persons who are or have been judicially determined to be legally incompetent.

SEC. 19. Section 416.15 is added to the Health and Safety Code, to read:

416.15. The Director of Public Health, when acting as adviser, may provide advice and guidance to the mentally retarded person without prior appointment by a court. The provision for such services shall not be dependent upon a finding of incompetency, nor shall it abrogate any civil right otherwise possessed by the mentally retarded person.

SEC. 20. Section 416.16 is added to the Health and Safety Code, to read:

416.16. The Director of Public Health shall have the same powers and duties as those established for guardians and conservators in the Guardianship Act and the Conservatorship Act.

SEC. 21. Section 416.17 is added to the Health and Safety Code, to read:

416.17. It is the intent of this article that the director when acting as guardian or conservator of the person of a mentally retarded person through the regional center as provided in Section 416.19 of this article, shall maintain close contact with the mentally retarded person no matter where such person is living in this state; shall act as a wise parent would act in caring for his mentally retarded child; and shall permit and encourage maximum self-reliance on the part of the mentally retarded person under his protection.

SEC. 22. Section 416.18 is added to the Health and Safety Code, to read:

416.18. The director shall provide for at least an annual review in writing of the physical, mental and social condition of each mentally retarded person for whom he has been appointed conservator or guardian, or for whom he is otherwise acting in his official capacity under this article. These records shall be confidential but may be made available to persons approved by the director or the court.

SEC. 23. Section 416.19 is added to the Health and Safety Code, to read:

416.19. The services to be rendered by the director as adviser or as guardian or conservator of the person shall be performed solely through the regional centers.

SEC. 24. Section 416.20 is added to the Health and Safety Code, to read:

416.20. The director shall receive such reasonable fees for his services as guardian or conservator of the estate as the court allows and such fees shall be paid into the General Fund of the State Treasury.

CHAPTER 1100

An act to amend Section 3212.5 of the Labor Code, relating to workmen's compensation insurance.

[Approved by Governor August 8, 1968 Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 3212.5 of the Labor Code is amended to read:

3212.5. In the case of a member of a police department of a city or municipality, or a member of the State Highway Patrol, when any such member is employed upon a regular, full-time salary, and in the case of a sheriff or deputy sheriff employed upon a regular, full-time salary, the term "injury" as used in this division includes heart trouble and pneumonia which develops or manifests itself during a period while such member, sheriff, or deputy sheriff is in the service of the police department, or the State Highway Patrol, or the sheriff's office, as the case may be. The compensation which is awarded for such heart trouble or pneumonia shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such heart trouble or pneumonia so developing or manifesting itself shall be presumed to arise out of and in the course of the employment; provided, however, that the member of the police department or State Highway Patrol or the sheriff or deputy sheriff shall have served five years or more in such capacity before the presumption shall arise as to the compensability of heart trouble so developing or manifesting itself. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it.

Such hernia, heart trouble or pneumonia so developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

The term "members" as used herein shall be limited to those employees of police departments, the California Highway Patrol and sheriffs' departments who are defined as peace officers in Section 817 of the Penal Code.

CHAPTER 1101

An act to amend Section 2877 of the Penal Code, relating to sale of prison-made handicrafts fabricated from state-purchased materials.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 2877 of the Penal Code is amended to read:

2877. The director may provide for the manufacture of small articles of handiwork by the prisoners out of raw materials purchased by the prisoners with their own funds or funds borrowed from the Inmates' Welfare Fund, or from raw materials furnished by the director without compensation therefor as provided in this section which articles may be sold to the public at the state prison, on the premises thereof, and in the prison store. State-owned property shall not be given to prisoners for use under this section, unless all proceeds from the sale thereof shall be deposited in the Inmates' Welfare Fund. The director may provide that all or a part of the sale price of all other articles manufactured and sold under this section be deposited to the account of the prisoner manufacturing the article.

CHAPTER 1102

An act to repeal Section 12231 as added by Chapter 1383 of the Statutes of 1965, relating to the California Heritage Preservation Commission, and making an appropriation therefor.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 12231 of the Government Code, as added by Chapter 1383 of the Statutes of 1965, is repealed.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury to the California Heritage Preservation Commission the sum of one thousand dollars ($1,000), to be used in carrying out the purposes set forth in Chapter 1938 of the Statutes of 1963, and Chapter 1383 of the Statutes of 1965.

CHAPTER 1103

An act to amend Sections 11557.5 and 14950 of the Government Code, relating to the State Architect.

[Approved by Governor August 8, 1968 Filed with Secretary of State August 8, 1968]

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

SECTION 1. Section 11557.5 of the Government Code is amended to read:

11557.5. An annual salary of twenty-three thousand dollars ($23,000) shall be paid to each of the following:

(a) State Architect

SEC. 2. Section 14950 of the Government Code is amended to read:

14950. There is in the Department of General Services a State Architect. He shall be appointed by the Governor with the approval of the Senate for a term of four years commencing with January 15 next following the general election at which a Governor is elected, and he shall hold office until appointment and qualification of his successor or until 150 days shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs; but he may be dismissed by the Governor, with or without cause, at any time. The Governor may fill the office of State Architect by interim appointment prior to the commencement of the first term in 1963 and may fill any vacancy in the office thereafter for the unexpired portion of the term but such appointment shall be subject to approval of the Senate at the next regular session of the Legislature.

No person shall be eligible for the office of State Architect who has not, for a period of five years next preceding his appointment, held a certificate to practice architecture in California issued by the California State Board of Architectural Examiners. No person shall be eligible for the office of State Architect who is not a member of the American Institute of Architects at the time of his first appointment.

The State Architect shall not engage in the private practice of architecture or in a managing capacity in any private business or enterprise. The salary of the State Architect shall be as provided by Section 11557.5 of the Government Code.

SEC. 3. The provisions of Item 261 of the Budget Act of 1968 shall not be applicable to the State Architect.

CHAPTER 1104

An act to add Section 597.5 to the Code of Civil Procedure, relating to trial of special defense.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 597.5 is added to the Code of Civil Procedure, to read:

597.5. In an action against a physician or surgeon, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatrist, licensed psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, clinical laboratory technologist, veterinarian, or a licensed hospital as the employer of any such person, based upon such person's alleged professional negligence, or for rendering professional services without consent, or for error or omission in such person's practice, if the answer pleads that the action is barred by the statute of limitations, and if either party so moves, the issues raised thereby must be tried separately and before any other issues in the case are tried. If the issue raised by the statute of limitations is finally determined in favor of the plaintiff, the remaining issues shall then be tried.

CHAPTER 1105

An act to add Sections 1030.1 and 1256.1 to the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 1030.1 is added to the Unemployment Insurance Code, to read:

1030.1. (a) If the employment of an individual is terminated due to his absence from work for a period in excess of 24 hours because of his incarceration and he is convicted of the offense for which he was incarcerated or of any lesser included offense, he shall be deemed to have left his work voluntarily without good cause for the purposes of Sections 1030 and 3701. A plea or verdict of guilty irrespective of whether an order granting probation or other order is made suspending the imposition of the sentence or whether sentence is imposed but execution thereof is suspended, or a conviction following a plea of nolo contendere, is deemed to be a conviction within the meaning of this section.

(b) Notwithstanding any other provision of this division, any ruling made prior to a conviction or other final disposition of the criminal complaint or accusation by the court as to whether an individual who is terminated due to his absence from work because of incarceration voluntarily leaves without good cause may, if no appeal has been taken from the ruling, for good cause be reconsidered by the department during the benefit year or extended duration period to which the ruling relates. Notice of any reconsidered ruling shall be given to the employer which received notice under Section 1030 or 3701, and the employer may appeal therefrom in the manner prescribed in Section 1328 or 3655.

SEC. 2. Section 1256.1 is added to the Unemployment Insurance Code, to read:

1256.1. (a) If the employment of an individual is terminated due to his absence from work for a period in excess of 24 hours because of his incarceration and he is convicted of the offense for which he was incarcerated or of any lesser included offense, he shall be deemed to have left his work voluntarily without good cause for the purposes of Section 1256. A plea or verdict of guilty irrespective of whether an order granting probation or other order is made suspending the imposition of the sentence or whether sentence is imposed but execution thereof is suspended, or a conviction following a plea of nolo contendere, is deemed to be a conviction within the meaning of this section.

(b) Notwithstanding any other provision of this division, any determination made prior to a conviction or other final disposition of the criminal complaint or accusation by the court as to whether an individual who is terminated due to his absence from work because of incarceration voluntarily leaves without good cause may, if no appeal has been taken from the determination, for good cause be reconsidered by the department during the benefit year or extended duration period to which the determination relates. Notice of any reconsidered determination shall be given to the claimant and any employer or employing unit which received notice under Section 1328 or 1331, and the claimant or employer may appeal therefrom in the manner prescribed in Section 1328

SEC. 3. This act shall apply to any individual where the occurrence of the cause of disqualification is on or after the effective date of this act. Sections 1030, 1256, and 3701 of the Unemployment Insurance Code shall remain applicable to any individual where the occurrence of the cause of disqualification is prior to the effective date of this act.

CHAPTER 1106

An act to amend Section 227 of the Civil Code, relating to adoption records.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 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 acknowledgments 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. A judge of the superior court shall not authorize anyone to inspect the petition, relinquishment, agreement, order, or power of attorney or deposition or any portion of any such documents except in exceptional circumstances and for good cause approaching the necessitous. The petitioner may be required to pay the expenses for preparing the copies of the documents to be inspected.

SEC. 2. 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 acknowledgments 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. A judge of the superior court shall not authorize anyone to inspect the petition, relinquishment, agreement, order, or power of attorney or deposition or any portion of any such documents except in exceptional circumstances and for good cause approaching the necessitous. The petitioner may be required to pay the expenses for preparing the copies of the documents to be inspected.

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.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 151 is enacted by the Legislature at its 1968 Regular Session and, as enacted, amends Section 227 of the Civil Code, and in such case at the same time as Assembly Bill No. 151 takes effect; at which time Section 227 of the Civil Code as amended by Section 1 of this act is repealed.

CHAPTER 1107

An act to amend Section 6556 of the Elections Code, relating to candidates' filing fees.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 6556 of the Elections Code is amended to read:

6556. The county clerk shall pay to the county treasurer all fees received from candidates pursuant to Section 6554. Within 10 days after the direct primary, the Secretary of State shall pay to the State Treasurer all fees received from

candidates pursuant to Section 6552, which shall be deposited in the General Fund.

It is the intention of the Legislature that the funds deposited in the General Fund pursuant to this section will be used to support the State Commission on Voting Machines and Vote Tabulating Devices to the extent that appropriations are made in the Budget Act from year to year.

CHAPTER 1108

An act to amend Sections 30106, 30431, 30432, 30449 and 30475 of the Revenue and Taxation Code, and to amend Section 151 of Chapter 963 of the Statutes of the 1967 Regular Session of the Legislature, relating to cigarette taxation.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 30106 of the Revenue and Taxation Code is amended to read:

30106. The taxes imposed by this part shall not apply to the use or consumption of untaxed cigarettes transported to this state in a single lot or shipment of not more than 400 cigarettes, or of not more than 400 untaxed cigarettes obtained at one time from any of the instrumentalities listed in Section 30102.

SEC. 2. Section 30431 of the Revenue and Taxation Code is amended to read:

30431. Any transporter desiring to possess or acquire for transportation or transport upon the highways, roads or streets of this state more than 400 cigarettes which are not contained in packages to which are affixed California cigarette stamps or meter impressions shall obtain a permit from the board authorizing such transporter to possess or acquire for transportation or transport the cigarettes, and he shall have the permit in the transporting vehicle during the period of transportation of the cigarettes. The application for the permit shall be in such form and shall contain such information as may be prescribed by the board. The board may issue a permit for a single load or shipment or for a number of loads or shipments to be transported under specified conditions.

SEC. 3. Section 30432 of the Revenue and Taxation Code is amended to read:

30432. Each transporter who shall transport or possess or acquire for the purpose of transporting upon the highways, roads or streets of this state more than 400 cigarettes which are not contained in packages to which are affixed California cigarette tax stamps or meter impressions is required to have in the transporting vehicle during the period of transportation invoices, bills of lading or delivery tickets covering the cig-

arettes being transported which shall show the name and address of the consignor or seller, the name and address of the consignee or purchaser and the quantity and brands of the cigarettes transported.

SEC. 4. Section 30449 of the Revenue and Taxation Code is amended to read:

30449. Any property, except money, forfeited to the state under this chapter shall be sold by the board at public auction. Notice of such sale shall be given by posting a written notice of the time and place of sale in three public places in the county where the property is to be sold for not less than five days nor more than ten days before the sale. If the board is unable to sell any property forfeited to the state under this part or, if the board determines that the property is unsalable it may destroy such property. A record shall be kept of all property destroyed pursuant to this section showing the nature of the property, the quantity, the reason for, and the manner of destruction. The proceeds of the sale and any money forfeited to the state shall be deposited in the State Treasury to the credit of the General Fund.

SEC. 5. Section 30475 of the Revenue and Taxation Code is amended to read:

30475. (a) Any transporter who transports cigarettes upon the highways, roads or streets of this state without having obtained a permit or without having a permit in the transporting vehicle as prescribed by Section 30431 or without having in the transporting vehicle the invoices, bills of lading or delivery tickets for the cigarettes as prescribed by Section 30432 is guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars ($1,000) or be imprisoned for not more than one year in the county jail, or be subject to both fine and imprisonment in the discretion of the court.

(b) Any transporter who, with intent to defeat or evade or with intent to aid another to defeat or evade the taxes imposed by this part, at any given time transports 40,000 or more cigarettes upon the highways, roads or streets of this state without having obtained a permit or without having a permit in the transporting vehicle as prescribed by Section 30431 or without having in the transporting vehicle the invoices, bills of lading or delivery tickets for the cigarettes as prescribed by Section 30432 shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not less than one year nor more than five years, or by fine of not more than five thousand dollars ($5 000), or be subject to both fine and imprisonment in the discretion of the court.

SEC. 6. Section 151 of Chapter 963 of the Statutes of the 1967 Regular Session of the Legislature is amended to read:

Sec. 151. Funds allocated pursuant to subdivision (e) of Section 30462 of the Revenue and Taxation Code, as amended by Section 141.5 of this act, to any county, city and county or city shall be used for state purposes.

CHAPTER 1109

An act to add Section 40512.5 to the Vehicle Code, relating to traffic offenses.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 40512.5 is added to the Vehicle Code, to read:

40512.5. If at the time when the case is called for trial the defendant does not appear either in person or by counsel and has not requested in writing that the trial proceed in his absence, the court may declare the bail forfeited and may in its discretion order that no further proceedings be had in the case, or the court may act pursuant to Section 1043 of the Penal Code.

CHAPTER 1110

An act to amend Section 10489.2 of the Insurance Code, relating to annuities.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 10489.2 of the Insurance Code is amended to read:

10489.2. The minimum standard for the valuation of all such policies and contracts shall be the commissioners reserve valuation method defined in Section 10489.3, three and one-half percent (3½%) interest except that four percent (4%) interest may be used for certain annuity and pure endowment contracts as specified in subdivisions (c) and (d) of this section, and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies—the Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of subsection (a) of Section 10163.5, and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date; provided, however, that for any category of such policies issued on female risks modified net premiums and present values, referred to in Section 10489.3, may be calculated, at the option of the insurer, according to an age not more than three years younger than the actual age of the insured.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death

benefits in such policies—the 1941 Standard Industrial Mortality Table for such policies issued prior to the operative date of subsection (b) of Section 10163.5, and the Commissioners 1961 Standard Industrial Mortality Table for such policies issued on or after such operative date.

(c) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table or, at the option of the company, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner; provided, however, that the minimum standard for such contracts issued on and after January 1, 1968, with commencement of benefits deferred not more than one year from date of issue may be, at the option of the company, 4 percent interest.

(d) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the company, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts; provided, however, that the minimum standard for group annuities purchased or to be purchased with considerations received on or after January 1, 1968, may be, at the option of the company, 4 percent interest.

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts—for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or, at the option of the company, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(f) For accidental death benefits in or supplementary to policies—for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table; for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the company, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(g) For group life insurance, life insurance issued on the substandard basis and other special benefits—such tables as may be approved by the commissioner.

CHAPTER 1111

An act to amend Section 17672.5 of the Education Code, relating to public school finance.

[Approved by Governor August 8, 1968 Filed with Secretary of State August 8, 1968]

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

SECTION 1. Section 17672.5 of the Education Code is amended to read:

17672.5. Notwithstanding the provisions of Section 17672, or any other provision of law to the contrary, the increase in foundation programs prescribed by Section 17671 shall also be provided during a fiscal year for any school district which is an elementary school district or a high school district included, on or before May 1 of such fiscal year in a unified school district formed by approval of the electors at an election held after June 30, 1966, provided that such unified school district meets the requirements of subdivision (b) of Section 17672.

If a unified district, which meets the requirements of subdivision (b) of Section 17672, is formed by approval of the electors at an election held on the date of the presidential or gubernatorial primary election, the increase in foundation programs prescribed by Section 17671 shall be provided for each included elementary and high school district as if the election were held on or before May 1, except that the Superintendent of Public Instruction shall allow such increases during the next fiscal year pursuant to the provisions of Section 17414, as a correction of the apportionments to the district for the preceding fiscal year.

CHAPTER 1112

An act to amend Section 1007 of the Civil Code, relating to exemptions from claims of adverse possession.

[Approved by Governor August 8, 1968 Filed with Secretary of State August 8, 1968]

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

SECTION 1. Section 1007 of the Civil Code is amended to read:

1007. Occupancy for the period prescribed by the Code of Civil Procedure as sufficient to bar any action for the recovery of the property confers a title thereto, denominated a title by prescription, which is sufficient against all, but no possession by any person, firm or corporation no matter how long continued of any land, water, water right, easement, or other property whatsoever dedicated to a public use by a public

utility, or dedicated to or owned by the state or any public entity, shall ever ripen into any title, interest or right against the owner thereof.

CHAPTER 1113

An act to add Part 8 (commencing with Section 7900) to Division 5 of the Labor Code, relating to amusement rides safety.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Part 8 (commencing with Section 7900) is added to Division 5 of the Labor Code, to read:

PART 8. AMUSEMENT RIDES SAFETY LAW

7900. This part shall be known and may be cited as the Amusement Rides Safety Law.

7901. As used in this part:

(a) "Amusement ride" means a mechanical device which carries or conveys passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. "Amusement ride" does not include the operation of articles of husbandry incidental to any agricultural operations or the operation of amusement devices of a permanent nature which are subject to building regulations issued by cities or counties and existing applicable safety orders.

(b) "Operator" or "owner" means a person who owns or controls or has the duty to control the operation of an amusement ride. It includes the state and every state agency, and each county, city, district, and all public and quasi-public corporations and public agencies therein.

(c) "Certificate of inspection" means a certificate or permit issued by the division or a public entity which indicates that an inspection of the ride has been performed pursuant to rules and regulations adopted by the division.

7902. The division shall promulgate and formulate rules and regulations for adoption by the Industrial Safety Board for the safe installation, repair, maintenance, use, operation, and inspection of all amusement rides as the division finds necessary for the protection of the general public using amusement rides. The rules and regulations shall be in addition to the existing applicable safety orders and will be concerned with engineering force stresses, safety devices, and preventative maintenance.

7903. The division or a public entity shall not issue the original certificate of inspection for an amusement ride until

it receives certification in writing by an engineer qualified under the Civil and Professional Engineers Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code) that such amusement ride meets the requirements established by the division for amusement rides.

7904. The division shall determine a schedule of inspection and permit fees, which fees shall not exceed twelve dollars ($12) per hour of actual inspection time. No fees shall be charged public agencies.

7905. The division may hire inspectors to inspect amusement rides.

7906. No person shall operate an amusement ride without a permit issued by the division or a public entity. On or before March 1 of each year an operator shall apply for a permit to the division or a public entity on a form furnished by the division and containing such information as the division may require. All amusement rides shall be inspected before they are originally put into operation for the public's use and thereafter at least once every year, unless authorized to operate on a temporary permit. Amusement rides may also be inspected each time they are disassembled and reassembled.

7907. If, after inspection, an amusement ride is found to comply with the rules and regulations of the division, the division or a public entity shall issue a permit to operate.

7908. Before a new amusement ride is erected, or whenever any additions or alterations are made which change the structure, mechanism, classification, or capacity of any amusement ride, the operator shall file with the division or a public entity a notice of his intention and any plans or diagrams requested by the division.

7909. The division may order, in writing, a temporary cessation of operation of an amusement ride if it has been determined after inspection to be hazardous or unsafe. Operation shall not resume until such conditions are corrected to the satisfaction of the division.

7910. This part shall not be construed to prevent the use of any existing installation which upon inspection is found to be in a safe condition and in conformance with the rules and regulations of the division.

7911. If there are practical difficulties or unnecessary hardships for an operator to comply with the rules and regulations under this part, the division may modify the application of such rules or regulations if the spirit of the rules and regulations shall be observed and the public safety is secure. Any operator may make a written request to the division stating his grounds and applying for such modification. Any authorization by the division shall be in writing and shall describe the conditions under which the modifications are permitted A record of all modifications shall be kept in the division and open to the public.

7912. No person shall operate an amusement ride unless at the time there is in existence (a) a policy of insurance

in an amount of not less than fifty thousand dollars ($50,000) insuring the owner or operator against liability for injury suffered by persons riding the amusement ride, or (b) a bond in a like amount (provided, however, that the aggregate liability of the surety under any such bond shall not exceed the face amount thereof), or (c) cash or other security acceptable to the division.

7913. Nothing contained in this part shall prevent cities, counties, and cities and counties from regulating carnivals or amusement rides, nor prevent them from enacting legislation more restrictive than this part with respect to carnivals or amusement rides.

CHAPTER 1114

An act to amend Section 28132 of the Government Code, relating to Placer County salaries.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 28132 of the Government Code is amended to read:

28132. In a county of the 32nd 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 dollars ($9,000) a year.

(b) The district attorney, seventeen thousand seven hundred dollars ($17,700) a year. He shall not during his term of office engage in private practice and he shall devote his full working time to the duties of his office.

(c) Each supervisor, seven thousand two hundred dollars ($7,200) a year, for all services rendered as supervisor and as member of the board of equalization. He shall also receive his reasonable expenses, including expenses for meals, incurred when attending meetings of the board and on county business both within and without the county. Each supervisor, in addition to his other expenses, shall receive ten cents ($0.10) a mile in traveling to and from his residence to the place of meeting of the board at the county seat and when traveling within and without the county on county business; provided, that the supervisor may use automobiles provided and maintained by the county for such travel, in which case the mileage allowance provided for above shall not be allowed.

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and ten cents ($0.10) for each mile actually and necessarily traveled for attending upon and returning from court, such mileage to be computed for each day's attendance.

Each member of the grand jury shall be allowed seven dollars ($7) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of ten cents ($0.10) a mile for each mile actually traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county.

SEC. 2. 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 Section 28132 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 1115

An act to amend Sections 5508, 5651, 5700, 6001, 6006, 6051, 6054, 6213 and 9206 of the Financial Code, relating to savings and loan associations.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 5508 of the Financial Code is amended to read:

5508. A filing fee of seven hundred fifty dollars ($750) shall be paid to the commissioner with each application for approval of proposed articles of incorporation.

SEC. 2. Section 5651 of the Financial Code is amended to read:

5651. No document changing the name of an association, or setting forth the new name of an association, shall be filed in the office of the Secretary of State unless there is attached to such document a certificate of the commissioner approving the new name proposed for the association. Such certificate shall only be issued by the commissioner, after and upon the same notice, proceedings, upon the same grounds, and subject to the same rules, presumptions and restrictions as are set forth in Article 1 of this chapter in relation to the matters of the name of an association. Notice and hearing shall not be required, however, if the change in name consists only in omitting, including or substituting one or more of the following words: "the," "and," "building," "loan," "savings," and "association." If a hearing is to be held, the commissioner shall mail notice of such hearing to each association in this

state at least 20 days before such hearing, and the association requesting the commissioner's approval shall pay him a fee of three hundred seventy-five dollars ($375) before such notices are mailed.

SEC. 3. Section 5700 of the Financial Code is amended to read:

5700. An association shall not change the location, in whole or in part, of its principal office or of any branch office except with the approval of the commissioner. If the proposed change is from one city to another the commissioner shall, and in any other case the commissioner may, hold a hearing upon the proposed change. If a hearing is to be held, the commissioner shall mail notice of such hearing to each association in this state at least 20 days before such hearing, and the association requesting the commissioner's approval shall pay him a fee of three hundred seventy-five dollars ($375) before such notices are mailed.

SEC. 4. Section 6001 of the Financial Code is amended to read:

6001. The application for a branch license other than for an existing branch proposed to be acquired in connection with a merger shall be accompanied by a filing fee of seven hundred fifty dollars ($750), shall be in such form as the commissioner requires, and shall include an itemized statement of the estimated receipts and expenditures of the association in connection with such branch for the first year or such longer period as the commissioner requires, and a showing that the public convenience and advantage will be promoted by the operation of such branch.

SEC. 5. Section 6006 of the Financial Code is amended to read:

6006. The applicant for a branch license shall pay a license fee of seventy-five dollars ($75). Branch licenses continue in force and effect until canceled by the commissioner for cause except that the license for any branch shall expire automatically if such branch is closed for 12 consecutive months, or for such longer period, not exceeding 36 months in the aggregate, as the commissioner, upon application of the association, may have prescribed before the expiration of such original 12-month period.

SEC. 6. Section 6051 of the Financial Code is amended to read:

6051. The application for a service office license shall be accompanied by a filing fee of three hundred seventy-five dollars ($375), shall be in such form as the commissioner requires, and shall include a statement of the activities intended to be conducted by the association at such service office.

SEC. 7. Section 6054 of the Financial Code is amended to read:

6054. A license for the service office shall continue until the end of the calendar year in which it is issued and shall be subject to renewal for the next calendar year upon written

request for such renewal accompanied by a renewal fee of one hundred fifty dollars ($150).

SEC. 8. Section 6213 of the Financial Code is amended to read:

6213. The fee for licenses required by this chapter is twenty-five dollars ($25) for each year or fraction thereof, and the fee for renewals is ten dollars ($10) for each year or fraction thereof. The commissioner may issue licenses and renewals in the month of June preceding the year for which they are effective and in such case he shall account for and deposit the fees with the State Treasurer, and the fees shall be considered received by the commissioner on or after July 1st following the date of issuance.

SEC. 9. Section 9206 of the Financial Code is amended to read:

9206. A filing fee of seven hundred fifty dollars ($750) shall be paid to the commissioner for each application for merger, consolidation or transfer requiring the commissioner's approval.

CHAPTER 1116

An act to amend Section 4532 of the Penal Code, relating to prisoners

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 4532 of the Penal Code is amended to read:

4532. (a) Every prisoner arrested and booked for, charged with, or convicted of a misdemeanor, and every person committed under the terms of Sections 5654, 5656, or 5677 of the Welfare and Institutions Code as an inebriate, who is confined in any county or city jail or prison or industrial farm or industrial road camp or who is engaged on any county road or other county work or who is in the lawful custody of any officer or person, or who is employed or authorized to secure employment away from the place of confinement, pursuant to the Work Furlough Rehabilitation Law (Section 1208), and who thereafter escapes or attempts to escape from such county or city jail, prison, industrial farm or industrial road camp or from the custody of the officer or person in charge of him while engaged on or going to or returning from such county work or from the custody of any officer or person in whose lawful custody he is, is guilty of a felony and, if such escape or attempt to escape was not by force or violence, is punishable by imprisonment in the state prison for not exceeding one year and one day, regardless of any prior convictions, or in the county jail not exceeding one year; provided, however, that if

such escape or attempt to escape is by force or violence, such person is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 10 years, or in the county jail not exceeding one year; provided, that when said second term of imprisonment is to be served in the county jail it shall commence from the time such prisoner would otherwise have been discharged from said jail.

The willful failure of a prisoner, whether convicted of a felony or a misdemeanor, employed or authorized to secure employment pursuant to the Work Furlough Rehabilitation Law (Section 1208) to return to the place of confinement not later than the expiration of a period during which, pursuant to that law, he is authorized to be away from such place of confinement, is an escape from such place of confinement punishable as provided in this subdivision.

A conviction of violation of this subdivision, not by force or violence, shall not be charged as a prior felony conviction in any subsequent prosecution for a public offense.

(b) Every prisoner arrested and booked for, charged with, or convicted of a felony who is confined in any county or city jail or prison or industrial farm or industrial road camp or who is engaged on any county road or other county work or who is in the lawful custody of any officer or person, who escapes or attempts to escape from such county or city jail, prison, industrial farm or industrial road camp or from the custody of the officer or person in charge of him while engaged on or going to or returning from such county work or from the custody of any officer or person in whose lawful custody he is, is guilty of a felony and, if such escape or attempt to escape was not by force or violence, is punishable by imprisonment in the state prison for not less than six months nor more than five years or in the county jail not exceeding one year; provided, that if such escape or attempt to escape is by force or violence, such person is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 10 years, or in the county jail not exceeding one year; provided, that when said second term of imprisonment is to be served in the county jail it shall commence from the time such prisoner would otherwise have been discharged from said jail.

CHAPTER 1117

An act to amend Sections 10052, 10054, and 10152 of the Education Code, relating to instructional materials.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 10052 of the Education Code is amended to read:

10052. The governing board of each high school district shall purchase textbooks and may purchase supplementary books for the use of pupils enrolled in the high schools of the district. The textbooks and supplementary books shall at all times remain the property of the district, and shall be supplied to the pupils for use without charge.

SEC. 2. Section 10054 of the Education Code is amended to read:

10054. The governing board of a high school district may at the end of any school term sell textbooks and supplementary books owned by the district to pupils of the district at prices which shall not exceed the actual value of the textbooks and supplementary books. The governing board shall not require pupils of the district to purchase textbooks or supplementary books offered for sale by the board.

The proceeds of the sales shall be placed in the county treasury to the credit of the general fund of the school district.

SEC. 3. Section 10152 of the Education Code is amended to read:

10152. No member of any high school board or school official connected with any of the public schools of the state, shall accept any emolument, money, or other valuable thing, or any other inducement from any publisher, or agent of any publisher, for his vote, or promise to vote, or for the use of his influence for the adoption of any school textbooks or supplementary books.

CHAPTER 1118

An act to add Section 2553.6 to the Business and Professions Code, relating to registered dispensing opticians.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 2553.6 is added to the Business and Professions Code, to read:

2553.6. The board shall deny any application for registration under this chapter if any person licensed under Chapter 5 (commencing with Section 2000) of this division, for whom the applicant, in accordance with Section 2550, proposes to fill any prescription, has any proprietary interest, or has designated or arranged for any other person to have any proprietary interest in or with the applicant.

The board may, in accordance with Section 2555, suspend, revoke, or refuse to renew the certificate of any individual or firm under this chapter, if such individual or firm,, after the effective date of this section, fills, or has filled, while holding a certificate issued pursuant to this chapter, any prescription issued by any person licensed under Chapter 5 (commencing

with Section 2000) of this division who has any proprietary interest, or has designated or arranged for any other person to have any proprietary interest, in or with such individual or firm.

Such penalties shall be in addition to, and not to the exclusion of, any other remedies or penalties provided by law.

"Proprietary interest," for the purposes of this section, means any membership, coownership, stock ownership, legal or beneficial interest, any other proprietary interest, or profit-sharing arrangement, designated or arranged or held, directly or indirectly in any form, in or with any individual or firm applying for registration or registered under this chapter, except stock ownership in a corporation which is listed on a stock exchange regulated by the Securities and Exchange Commission if the stock is acquired in a transaction conducted through such stock exchange.

This section shall apply only to a dispensing optician required to be registered pursuant to Chapter 5.5 (commencing with Section 2550) of Division 2 of this code, and shall not be construed to modify Section 2557, or to affect the fitting of prescription lenses by a technician pursuant to Section 2544.

CHAPTER 1119

An act to amend Section 6702 of the Financial Code, relating to savings and loan associations.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 6702 of the Financial Code is amended to read:

6702. An association may invest in, hold, buy, and sell the following:

(a) Real property used or to be used primarily as the principal office or branch of the association, and real property used or to be used primarily as a service office of the association or an undivided interest in real property used or to be used primarily as a service office or office of the association and of other associations owning the other undivided interests in such real property. As used in this subdivision the term real property includes real property in reasonably close proximity to a principal, branch, or service office used or to be used primarily as a parking lot in connection with the operations of such office. Except as provided in Section 6703 no association shall invest in such real property more than one-half of the sum of its aggregate of the following:

(1) Issued and outstanding guarantee stock.

(2) Paid-in surplus.

(3) Federal insurance reserve.

(4) Loan reserve.

(5) Any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation.

(b) Furniture, fixtures, furnishings, equipment and leasehold improvements necessary or proper for the business of the association, or for use in connection with properties owned by or securing loans of the association. Except as provided in Section 6703 no association shall invest in furniture, fixtures, furnishings, equipment, and leasehold improvements for its offices, more than 20 percent, or if it has no real property used or to be used primarily as its principal office or branch, 30 percent of the sum of its aggregate of the following:

(1) Issued and outstanding guarantee stock.

(2) Paid-in surplus.

(3) Federal insurance reserve.

(4) Loan reserve.

(5) Any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation.

(c) United States government bonds and treasury certificates, or any bonds, debentures, notes, or other obligations guaranteed by the United States of America.

(d) Bonds, debentures, notes, and other securities issued or guaranteed in whole or in part by any Federal Home Loan Bank, or the Federal Savings and Loan Insurance Corporation, or other similar federal agency.

(e) Consolidated Federal Home Loan Bank bonds, debentures, or notes.

(f) Bonds of this state or of any flood control and water conservation districts or any zone thereof having an assessed valuation on taxable real property of not less than one million dollars ($1,000,000), county, city and county, city, metropolitan water district, municipal utility district, any special district established by and within any municipal utility district, transit district, rapid transit district, metropolitan transit authority, flood control district, or school district of the State of California.

(g) Bonds, other securities, and bankers' acceptances which are expressly authorized as legal investments for or purchase by savings banks in this state.

(h) Bonds issued by any railroad corporation or any public utility corporation substantially all of the properties of which are located in the United States of America. Railway corporations and public utility corporations, as used in this subdivision, do not include street railway corporations. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner.

(i) Stock, shares, debentures and bonds of any International Home Loan Bank which may hereafter be incorporated by authority of an act of Congress.

(j) California street improvement bonds. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner and no association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 2 percent of the then total assets of the association.

(k) Stock issued by any Federal Home Loan Bank or other similar federal agency of which the association is eligible to be a member.

(*l*) Bonds, notes, debentures, or other obligations of national mortgage associations or other similar credit institutions now or hereafter organized under Title III of the National Housing Act including without limitation bonds, notes, debentures, or other obligations of Federal National Mortgage Association. The purchase of all bonds, notes, debentures or other obligations pursuant to the sole authority of this subdivision shall be first approved by the commissioner.

(m) Bonds and other securities as provided in Division 11 of this code.

(n) Stock of Federal National Mortgage Association evidencing nonrefundable capital contributions required in connection with sales or contracts for sale of loans from an association to said Federal National Mortgage Association. An association is authorized to make payments of such required nonrefundable capital contributions. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 1 percent of the then total assets of the association.

(o) Loans and interests in loans on the security of real property located in foreign countries guaranteed by an agency of the federal or state government; and capital stock, obligations, notes, and other securities of any thrift institution organized under the laws of a foreign country and engaged in the business of making loans on the security of real estate in such country subject to regulations of the commissioner. No association shall make any investment pursuant to this subdivision if its aggregate outstanding investment under this subdivision would thereupon exceed 1 percent of the then total assets of the association.

CHAPTER 1120

An act to amend Section 34500 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 34500 of the Vehicle Code is amended to read:

34500. The Department of the California Highway Patrol shall regulate the safe operation of the following vehicles:

(a) Motortrucks of three or more axles.

(b) Truck tractors.

(c) Buses.

(d) Trailers, semitrailers, pole or pipe dollies, auxiliary dollies and logging dollies used in combination with (a), (b), or (c) above.

(e) Combinations of a two-axle truck and trailer or semitrailer with or without an auxiliary dolly, coupled together, exceeding a total length of 40 feet.

(f) Any truck, or any combination of truck and any other vehicle, transporting materials defined and classified as hazardous by the United States Department of Transportation (49CFR, Parts 172 and 173), except vehicles subject to Division 14 (commencing with Section 31600) or Division 14.7 (commencing with Section 34001) of this code, shall be subject to those regulations relating to such materials which are adopted by the department in accordance with Section 34501 of this division.

CHAPTER 1121

An act to amend Section 1339 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 1339 of the Unemployment Insurance Code is amended to read:

1339. (a) Unemployment compensation benefits shall be paid through public employment offices or such other agency as may be prescribed by authorized regulations.

(b) Each check or certification (pay order) issued in payment of unemployment insurance compensation benefits shall have prominently imprinted upon it: "State unemployment insurance benefits under the California Unemployment Insurance Code are paid for by employers."

SEC. 2. This act shall apply to payment of unemployment compensation benefits on new claims filed with an effective date beginning on or after the effective date of this act.

CHAPTER 1122

An act to add Sections 1157 and 1158 to the Evidence Code, relating to evidence.

[Approved by Governor August 8, 1968 Filed with Secretary of State August 8, 1968]

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

SECTION 1. Section 1157 is added to the Evidence Code, to read:

1157. Neither the proceedings nor the records of organized committees of medical staffs in hospitals having the responsibility of evaluation and improvement of the quality of care rendered in the hospital or medical review committees of local medical societies shall be subject to discovery. Except as hereinafter provided, no person in attendance at a meeting of any such committee shall be required to testify as to what transpired thereat. The prohibition relating to discovery or testimony shall not apply to the statements made by any person in attendance at such a meeting who is a party to an action or proceeding the subject matter of which was reviewed at such meeting, or to any person requesting hospital staff privileges, or in any action against an insurance carrier alleging bad faith by the carrier in refusing to accept a settlement offer within the policy limits.

The prohibitions contained in this section shall not apply to medical society committees that exceed 10 percent of the membership of the society, nor to any such committee if any person serves upon the committee when his own conduct or practice is being reviewed.

SEC. 2. Section 1158 is added to the Evidence Code, to read:

1158. Whenever, prior to filing of any action, an attorney at law presents a written authorization therefor signed by a patient, or in the case of a minor then by a parent or guardian of such minor, or by the personal representative or an heir of a deceased patient, a physician and surgeon, dentist, registered nurse, dispensing optician, registered physical therapist, podiatrist, licensed psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, or clinical laboratory technologist, duly licensed as such under the laws of the state, or a licensed hospital, shall make all of said patient's records under his or its custody or control, available for inspection and copying by such attorney at law or his representative, promptly upon the presentation of said written authorization.

CHAPTER 1123

An act to amend Section 3077.5 of the Labor Code, relating to apprenticeship programs.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 3077.5 of the Labor Code is amended to read:

3077.5. No association of employers, organization of employees, or joint committee administering an apprenticeship training program under this chapter shall provide a maximum age for apprentices of less than 31 years, at time of entry into the training program.

The provisions of this section shall not apply to any apprenticeship program established pursuant to any collective bargaining contract or agreement entered into prior to the operative date of this section.

CHAPTER 1124

An act to add Section 3091 to the Labor Code, relating to apprenticeship programs.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 3091 is added to the Labor Code, to read:

3091. Acceptance of an application for entrance into an apprenticeship training program shall not be predicated on the payment of any fee. Reasonable costs for expense incurred may be charged after an applicant has been accepted into the program.

CHAPTER 1125

An act to add Section 369i to the Penal Code, relating to trespass on railroad property.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 369i is added to the Penal Code, to read:

369i. Any person who enters or remains upon the property of any railroad without the permission of the owner of such land, his agent or the person in lawful possession and whose entry or presence or conduct upon such property interferes with, interrupts, or hinders, or which, if allowed to continue, would interfere with, interrupt, or hinder the safe and efficient operation of any locomotive, railway car or train is guilty of a misdemeanor.

As used in this section, "property of any railroad" means any land owned, leased, or possessed by a railroad upon which is placed a railroad track and the land immediately adjacent thereto, to the distance of 20 feet on either side of the track, which is owned, leased or possessed by a railroad.

This section does not prohibit picketing in such immediately adjacent area or any lawful activity by which the public is informed of the existence of an alleged labor dispute.

CHAPTER 1126

An act to amend Sections 9351 and 10501 of the Revenue and Taxation Code, relating to Motor Vehicle Transportation License Tax and Use Fuel Tax Laws.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 9351 of the Revenue and Taxation Code is amended to read:

9351. Any person who places or causes to be placed fuel into a receptacle on a motor vehicle from which receptacle fuel is supplied for the propulsion of the vehicle, or who acquires fuel outside this state and uses the fuel for the propulsion of a motor vehicle within this state, is guilty of a misdemeanor unless such person is a vendor and collects the tax as provided under Section 8732 or such person is a user who holds a valid use fuel tax permit, or is excluded from that requirement under the provisions of Section 8608 of this part, and uses the fuel placed in the receptacle. He shall be fined for each offense not less than one hundred dollars ($100) and not more than five hundred dollars ($500), or be imprisoned for not exceeding six months in the county jail, or be subject to both fine and imprisonment in the discretion of the court.

SEC. 2. Section 10501 of the Revenue and Taxation Code is amended to read:

10501. Any person who uses any public highway in this state for the transportation of persons or property for hire or compensation without first obtaining the license required under this part or without carrying upon each motor vehicle so used the number plates or emblems required under this

part is guilty of a misdemeanor. He shall be fined for each offense not less than one hundred dollars ($100) and not more than five hundred dollars ($500), or be imprisoned for not exceeding six months in the county jail, or be subject to both the fine and imprisonment in the discretion of the court.

CHAPTER 1127

An act to amend Sections 6727 and 7355 of the Welfare and Institutions Code, relating to mental health services.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 7355 of the Welfare and Institutions Code is amended to read:

7355. No patient shall be discharged or granted a leave of absence from a state hospital without suitable clothing adapted to the season in which he is discharged; and, if it cannot otherwise be obtained, the superintendent, under general conditions prescribed by the Department of Mental Hygiene, shall furnish such clothing and money, not exceeding fifty dollars ($50) to defray the necessary expenses of such patient who is going on leave of absence or is to be discharged until he can reach his relatives or friends, or find employment to earn a subsistence.

The superintendent may, under general conditions prescribed by the Department of Mental Hygiene, furnish to patients while on leave of absence such incidental moneys, supplies or services as are necessary and advisable in the care, supervision and rehabilitation of such patients on leave of absence. Payments therefor shall be made from funds available for support of patients in the state hospital or hospitals from which such patients have been granted a leave of absence.

SEC. 2. Section 6727 of the Welfare and Institutions Code is amended to read:

6727. No patient shall be discharged or granted a leave of absence from a state hospital without suitable clothing adapted to the season in which he is discharged; and, if it cannot otherwise be obtained, the superintendent, under general conditions prescribed by the Department of Mental Hygiene, shall furnish such clothing and money, not exceeding fifty dollars ($50) to defray the necessary expenses of such patient who is going on leave of absence or is to be discharged until he can reach his relatives or friends, or find employment to earn a subsistence.

The superintendent may, under general conditions prescribed by the Department of Mental Hygiene, furnish to patients while on leave of absence such incidental moneys, supplies or services as are necessary and advisable in the care, su-

pervision and rehabilitation of such patients on leave of absence. Payments therefor shall be made from funds available for support of patients in the state hospital or hospitals from which such patients have been granted a leave of absence.

SEC. 3. Section 1 of this act shall become operative at the same time as Sections 1 to 42, inclusive, of Chapter 1667 of the Statutes of 1967 become operative at which time Section 2 of this act is repealed.

CHAPTER 1128

An act to amend Sections 70135 and 73781.7 of the Government Code, relating to court reporters.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 70135 of the Government Code is amended to read:

70135. In order to help defray the costs of reporting services, in addition to fees required by other laws for the filing of the first paper in a civil action or special proceeding, there shall be an additional charge of ten dollars and fifty cents ($10.50).

Except as to papers filed by the County of Marin, the Marin County Flood Control and Water Conservation District, and the Marin County Transit District, such fee shall not be subject to the provisions of Section 6103.

SEC. 2. Section 73781.7 of the Government Code is amended to read:

73781.7. In order to help defray the costs of reporting services, in addition to fees required by other laws for the filing of the first paper in a civil action, there shall be an additional charge of six dollars and fifty cents ($6.50).

CHAPTER 1129

An act to add Section 11583 to the Insurance Code, relating to liability insurance.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 11583 is added to the Insurance Code, to read:

11583. No advance payment or partial payment of damages made by any person or his insurer as an accommodation to an

injured person or on his behalf to others or to the heirs at law or dependents of a deceased person made under liability insurance as defined in subdivision (a) of Section 108 because of an injury or death claim or potential claim against any insured thereunder shall be construed as an admission of liability by the person claimed against, or of the insurer's recognition of such liability, with respect to such injured or deceased person or with respect to any other claim arising from the same accident or event. Any such payments shall, however, constitute a credit and be deductible from any final settlement made or judgment rendered with respect to such injured or deceased person which does not expressly take into account such advance payments. Any person, including any insurer, who makes such an advance or partial payment, shall at the time of the payment, notify the recipient thereof in writing of the statute of limitations applicable to such injury or death, including any time limitations within which claims are required to be made against the state or any local public entity. Failure to provide such written notice shall operate to toll any applicable statute of limitations or time limitations from the time of such advance or partial payment until such written notice is actually given.

CHAPTER 1130

An act to amend Sections 2905, 4112, and 4836.5 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 2905 of the Revenue and Taxation Code is amended to read:

2905. In collecting taxes on unsecured property the tax rate to be used is the rate for property of the same kind on the secured roll last fixed before the lien date for the taxes to be collected. In collecting taxes on unsecured property that escaped taxation in any prior year or years the rate to be used shall be the rate to which the property would have been subject if it appeared upon the roll in the year when it should have been lawfully assessed. The taxes on unsecured property shall be computed in dollars and cents, rejecting the fractions of a cent.

SEC. 2. Section 4112 of the Revenue and Taxation Code is amended to read:

4112. On redemption, the deed becomes null and any interest acquired by virtue of the sale to the state ceases.

A certificate of redemption which is issued on tax-deeded property shall be the authorization for the recording of a release of equity, or quitclaim, of the property redeemed which

had been previously deeded to the state. Such release shall be executed and recorded by the redemption officer for and on behalf of the state, and shall be in the form prescribed by the State Controller. The release shall be acknowledged by the county clerk, without charge, and shall be recorded with the county recorder for a fee of two dollars ($2). The redemption officer shall collect the recording fee as part of the redemption charge and transmit it to the county recorder.

SEC. 3. Section 4836.5 of the Revenue and Taxation Code is amended to read:

4836.5. Whenever correction of any clerical error increases the assessment, the board of supervisors shall apply a rate of tax to such increase at whatever tax rate was in existence in the year in which the clerical error was made.

CHAPTER 1131

An act to amend Sections 441, 463, and 531 of, and to add Section 531.2 to, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 441 of the Revenue and Taxation Code is amended to read:

441. Every person owning taxable personal property having an aggregate cost of thirty thousand dollars ($30,000) or more, other than household furnishings and personal effects, shall file a written property statement, reporting such other property. Every person owning personal property which does not require the filing of a written property statement or real property shall upon request of the assessor file a written property statement.

Household furnishings and personal effects shall not include boats, aircraft, motor vehicles or personal property held or used in connection with a trade, profession, or business enterprise.

(a) The property statement shall be filed under oath with the assessor between the lien date and 5 p.m. on the last Monday in May, annually, or within such time as the assessor may appoint.

(b) If the assessor appoints a time other than the last Monday in May, it shall be no earlier than April 1. In this event the penalty provided by Section 463 shall apply if the property statement is not filed with the assessor by 5 o'clock p.m. on the last Monday in May or if:

(1) The property statement is not filed within the time appointed by the assessor; and

(2) The assessor has given notice by certified or registered mail no earlier than 15 days after the time appointed by the assessor of nonreceipt of the property statement within the appointed time; and

(3) The property statement has not been filed with the assessor within 15 days following the date of receipt of such notice.

(c) The property statement may be filed with the assessor through the United States mail, properly addressed with postage prepaid. This subdivision shall be applicable to every taxing agency, including but not limited to, a chartered city and county, or chartered city.

(d) At any time, as required by the assessor for assessment purposes, every person shall make available for examination information or records regarding his property. In this connection details of property acquisition transactions, construction and development costs, rental income, and other data relevant to the determination of an estimate of value are to be considered as information essential to the proper discharge of the assessor's duties.

(e) In the case of a corporate owner of property, the property statement shall be signed either by an officer of the corporation or an employee or agent who has been designated in writing by the board of directors to sign such statements on behalf of the corporation.

(f) The assessor may refuse to accept any property statement he determines to be in error.

SEC. 2. Section 463 of the Revenue and Taxation Code is amended to read:

463. If any person who is required by law or is requested by the assessor to make an annual property statement fails to file it with the assessor by 5 p.m. on the last Monday in May, or if, after written demand by the assessor, any person fails to file an annual property statement within the time limit specified by Section 441 or make and subscribe the affidavit respecting his name and place of residence, a penalty of 10 percent of the assessed value of the unreported taxable tangible property of such person placed on the current roll shall be added to the assessment made on the current roll.

Notice of any penalty added to the secured roll pursuant to this section shall be mailed by the assessor to the assessee at his address as contained in the official records of the county assessor.

If the assessee establishes to the satisfaction of the county board of equalization or the assessment appeals board that the failure to file the property statement within the time required by Section 441 was due to reasonable cause and not due to willful neglect, it may order the penalty abated, provided the assessee has filed with the county board written application for abatement of the penalty within the time prescribed by law for the filing of applications for assessment reductions.

If the penalty is abated it shall be canceled or refunded in the same manner as an amount of tax erroneously charged or collected.

SEC. 3. Section 531 of the Revenue and Taxation Code is amended to read:

531. If any property belonging on the local roll has escaped assessment, the assessor shall assess the property on discovery at its value on the lien date for the year for which it escaped assessment. It shall be subject to the tax rate in effect in the year of its escape except as provided in Section 2905 of this code.

SEC. 4. Section 531.2 is added to the Revenue and Taxation Code, to read:

531.2. When the property is real property it shall be assessed as property escaping assessment only if:

(a) The property is owned or controlled by the same person who owned or controlled it for the year for which it escaped assessment, or

(b) The only transfers made of the property since the lien date for the year for which the property escaped assessment have been transfers by gift, descent, bequest, or devise.

CHAPTER 1132

An act to amend Sections 218 and 219 of the Streets and Highways Code, relating to safety roadside rests.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 218 of the Streets and Highways Code is amended to read:

218. The commission and the department shall plan, design and construct a system of safety roadside rests on the state highway system outside of units of the state park system, and the cost thereof shall be payable from the State Highway Fund. The department shall maintain such safety roadside rests and the costs thereof shall be payable from the State Highway Fund, provided that the expenditures made for such maintenance shall not be deemed expenditures under Section 186.

SEC. 2. Section 219 of the Streets and Highways Code is amended to read:

219. In planning such system of safety roadside rests, the department is directed to generally follow these criteria:

(a) Safety roadside rests should be provided so that, in combination with other stopping facilities, there shall be facilities available at intervals of approximately one-half hours normal driving time.

(b) On highway entrances to large metropolitan areas, safety roadside rests may be provided.

(c) On high-volume highways consisting of four or more lanes, safety roadside rests should be provided on both sides of the highways; on all other highways only single safety roadside rests should be provided.

(d) Notwithstanding the provisions of subdivision (a), on high-volume highways more safety roadside rests may be planned at strategic locations where they appear to be necessary or desirable.

CHAPTER 1133

An act to amend Sections 220 and 223 of the Streets and Highways Code, relating to safety roadside rests.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 220 of the Streets and Highways Code is amended to read:

220. In designing safety roadside rests, the department shall design only those safety roadside rests which are reasonably economical and which will provide the motorist a place where he may stop for a short time during daytime and nighttime hours. The Legislature recognizes that the size of such safety roadside rests, together with the facilities therein, will differ according to location and potential use. Such safety roadside rests may contain, among other things, depending upon the size and use thereof, parking places for vehicles, picnic tables, sanitary facilities, telephones, water, landscaping, tourist information panels, traveler service information facilities, and facilities for the distribution of current news. Such safety roadside rests shall not contain camping or recreational facilities.

SEC. 2. Section 223 of the Streets and Highways Code is amended to read:

223. The department may contract with other governmental agencies or private organizations or individuals for the construction and operation of traveler service information facilities and for the maintenance of all or any of such safety roadside rests where it deems it necessary or desirable.

CHAPTER 1134

An act to amend Sections 74905, 74906, 74907, 74908, and 74912 of the Government Code, relating to courts.

[Approved by Governor August 8, 1968 Filed with Secretary of State August 8, 1968]

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

SECTION 1. Section 74905 of the Government Code is amended to read:

74905. There shall be one Clerk of the Ventura County Municipal Court, who shall be known as the court executive officer and who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The court executive officer shall receive the monthly compensation specified in range 36.5, set forth in Section 74909. In no event shall the classification of executive officer be compensated less than two scheduled ranges (approximately 10 percent) higher than that specified for the classification of Marshal of the Ventura County Municipal Court.

SEC. 2. Section 74906 of the Government Code is amended to read:

74906. There shall be one Marshal of the Ventura County Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The marshal shall receive the monthly compensation specified in range 34.5, set forth in Section 74909. In no event shall the compensation of the marshal be less than 10 schedule ranges (approximately 25 percent) higher than that specified for the position of assistant marshal.

SEC. 3. Section 74907 of the Government Code is amended to read:

74907. The court executive officer may appoint:

(a) One chief deputy clerk II, who shall receive the monthly compensation specified in range 27.5, set forth in Section 74909.

(b) Three chief deputy clerks I, who shall receive the monthly compensation specified in range 26.5, set forth in Section 74909.

(c) Eight deputy clerks V, who shall receive the monthly compensation specified in range 22.5, set forth in Section 74909; in no event shall the compensation of this classification be less than two salary ranges (approximately 10 percent) higher than that of the classification of deputy clerk IV.

(d) One senior secretary, who shall receive monthly compensation in range 19.0, set forth in Section 74909.

(e) One principal account clerk I, who shall receive monthly compensation specified in range 20.5, set forth in Section 74909.

(f) Eleven deputy clerks IV, who shall receive monthly compensation specified in range 20.5, set forth in Section 74909.

(g) One municipal court process clerk, who shall receive monthly compensation specified in range 18.0, set forth in Section 74909.

(h) Three deputy municipal court clerk interpreters, who shall receive monthly compensation specified in range 17.0, set forth in Section 74909.

(i) Thirteen deputy municipal court clerks III, who shall receive monthly compensation specified in range 16.0, set forth in Section 74909.

(j) Nine deputy municipal court clerks II, who shall receive monthly compensation specified in range 13.0, set forth in Section 74909.

(k) Four deputy municipal court clerks I, who shall receive monthly compensation specified in range 11.0, set forth in Section 74909.

(*l*) One senior deputy clerk-key punch operator, who shall receive monthly compensation specified in range 14.0, set forth in Section 74909.

(m) Two deputy clerk-key punch operators, who shall receive monthly compensation specified in range 13.0, set forth in Section 74909.

SEC. 4. Section 74908 of the Government Code is amended to read:

74908. The Marshal of the Ventura County Municipal Court may appoint:

(a) One assistant marshal, who shall receive the monthly compensation specified in range 29.5 set forth in Section 74909.

(b) Two lieutenants, each of whom shall receive the monthly compensation specified in range 27.0, set forth in Section 74909.

(c) Five sergeants, each of whom shall receive the monthly compensation specified in range 25.0, set forth in Section 74909.

(d) Eighteen deputy marshals, each of whom shall receive the monthly compensation specified in range 22.5, set forth in Section 74909. Deputy marshal trainees at a flat monthly rate of five hundred forty dollars ($540) may be appointed in lieu of deputy marshals until such trainees have satisfactorily completed the prescribed training course.

(e) One senior secretary, who shall receive the monthly compensation specified in range 19.0, set forth in Section 74909.

(f) Six senior marshal's civil process clerks, each of whom shall receive the monthly compensation specified in range 18.0, set forth in Section 74909.

(g) Five marshal's civil process clerks, each of whom shall receive the monthly compensation specified in range 16.0, set forth in Section 74909. Civil process clerk trainees at a flat monthly rate of three hundred sixty-six dollars ($366) may be appointed in lieu of marshal's civil process clerks until such trainees have satisfactorily completed a six-month training period.

(h) Such deputies who shall be keepers as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

The occupants of positions listed in subsections e, f, and g of this section shall, when required, be assigned to additional duties as matron, and during the period of such assignment shall receive no additional compensation.

SEC. 5. Section 74909 of the Government Code is amended to read:

74909. The following salary schedule shall apply to all persons employed by the Ventura County Municipal Court:

Range	First step	Second step	Third step	Fourth step	Fifth step
10.0	$315	$330	$348	$366	$384
10.5	323	338	357	375	394
11.0	330	348	366	384	403
11.5	338	357	375	394	413
12 0	348	366	384	403	423
12.5	357	375	394	413	434
13.0	366	384	403	423	445
13.5	375	394	413	434	456
14.0	384	403	423	445	466
14.5	394	413	434	456	478
15.0	403	423	445	466	490
15.5	413	434	456	478	502
16.0	423	445	466	490	515
16.5	434	456	478	502	528
17.0	445	466	490	515	540
17.5	456	478	502	528	554
18.0	466	490	515	540	567
18.5	478	502	528	554	581
19.0	490	515	540	567	595
19.5	502	528	554	581	610
20 0	515	540	567	595	626
20 5	528	554	581	610	642
21.0	540	567	595	626	657
21.5	554	581	610	642	673
22.0	567	595	626	657	690
22.5	581	610	642	673	707
23.0	595	626	657	690	723
23.5	610	642	673	707	741
24.0	626	657	690	723	760
24.5	642	673	707	741	779
25.0	657	690	723	760	798
25.5	673	707	741	779	818
26.0	690	723	760	798	838
26.5	707	741	779	818	859
27 0	723	760	798	838	879
27.5	741	779	818	859	901
28.0	760	798	838	879	923
28.5	779	818	859	901	946

Range	First step	Second step	Third step	Fourth step	Fifth step
29.0	798	838	879	923	969
29.5	818	859	901	946	993
30.0	838	879	923	969	1,017
30.5	859	901	946	993	1,042
31.0	879	923	969	1,017	1,069
31.5	901	946	993	1,042	1,096
32.0	923	969	1,017	1,069	1,122
32.5	946	993	1.042	1,096	1,150
33.0	969	1,017	1,069	1,122	1,178
33.5	993	1,042	1,096	1,150	1,207
34.0	1,017	1,069	1,122	1,178	1,236
34.5	1,042	1,096	1,150	1,207	1,267
35.0	1,069	1,122	1,178	1,236	1,298
35.5	1,096	1,150	1,207	1,267	1,330
36.0	1,122	1,178	1,236	1,298	1,363
36 5	1,150	1,207	1,267	1,330	1,397
37.0	1,178	1,236	1,298	1,363	1,432
37.5	1,207	1,267	1,330	1,397	1,468
38.0	1,236	1,298	1,363	1,432	1,502
38.5	1,267	1,330	1,397	1,468	1,540
39.0	1,298	1,363	1,432	1,502	1,577
39.5	1,330	1,397	1,468	1,540	1,616
40.0	1,363	1,432	1,502	1,577	1,656
40.5	1,397	1,468	1,540	1,616	1,697
41.0	1,432	1,502	1,577	1,656	1,739
41.5	1,468	1,540	1,616	1,697	1,782
42.0	1,502	1,577	1,656	1,739	1,826
42.5	1,540	1,616	1,697	1,782	1,872
43.0	1,577	1,656	1,739	1,826	1,917
43.5	1,616	1,697	1,782	1,872	1,965
44 0	1,656	1,739	1,826	1,917	2,013
44.5	1,697	1,782	1,872	1,965	2,063
45.0	1,739	1,826	1,917	2,013	2,114
45.5	1,782	1,872	1,965	2,063	2,167
46.0	1,826	1,917	2,013	2,114	2,220
46.5	1,872	1,965	2,063	2,167	2,276

This salary schedule is the same schedule utilized for employees of Ventura County. Should the board of supervisors adopt a revised salary schedule for county employees the new schedule shall apply equally to the positions in the Ventura County Municipal Court in the same manner and on the same date as for county employees, but all such adjustments shall be effective no longer than 90 days after the final adjournment of the next regular session of the Legislature.

SEC. 6. Section 74910 of the Government Code is amended to read:

74910. If an increase in the business of the court or any other emergency requires a greater number of attachés or employees for the prompt and faithful discharge of the business

of the court than the number expressly provided in this article or requires the performance of duties of positions in a class not expressly provided in this article, with the approval of a majority of the judges of the court and the board of supervisors, the court executive officer 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 Ventura County Personnel and Salary Ordinance for classes not expressly provided for in this article. Additional attachés and employees may continue in such positions not longer than 90 days after the final adjournment of the next regular session of the Legislature. The provisions of this section are directory only and are not mandatory and are not intended to affect the application of Section 72150 of this code.

SEC. 7. Section 74912 of the Government Code is amended to read:

74912. (a) Certain classifications in the Ventura County Municipal Court are deemed to be equivalent in position responsibility and salary level to certain classifications in the service of Ventura County and whenever the salary of an equivalent classification in the Ventura County service is adjusted by the board of supervisors, the salary of the equivalent classification in the Ventura County Municipal Court shall be adjusted an equivalent amount. 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 Ventura 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. The intent of this section shall not be construed to mean that any salary adjustments made in 1968 will be forfeited on the effective date of this section.

(b) The class of deputy municipal court clerk I is equivalent in position responsibility and salary level to the class of typist-clerk in the Ventura County service. The class of deputy municipal court clerk II is equivalent to intermediate typist-clerk in the Ventura County service. The classes of deputy municipal court clerk III, and marshal's civil process clerk are equivalent to senior typist-clerk in the Ventura County service. The classes of senior marshal's civil process clerk and legal process clerk are equivalent to legal process clerk in the Ventura County service. The class of deputy clerk-key punch operator is equivalent to key punch operator in the Ventura County service. The class of senior deputy clerk-key punch operator is equivalent to senior key punch operator in the Ventura County service. The class of senior secretary is equivalent to senior secretary in the Ventura County service. The class of principal account clerk I is equivalent in position responsibility and salary level to the class of principal account clerk I in Ventura

County service. The class of deputy municipal court clerk IV is equivalent to superior court clerk. The class of deputy marshal trainee is equivalent to deputy sheriff trainee. The class of deputy marshal is equivalent to deputy sheriff. The class of marshal's sergeant is equivalent to sheriff's sergeant. The class of marshal's lieutenant is equivalent to sheriff's lieutenant. The class of assistant marshal is equivalent to sheriff's captain.

(c) Whenever the salary of the class of deputy municipal court clerk II is adjusted as described above, the salaries of the classes of deputy clerk interpreter, chief deputy clerk, and chief deputy clerk II shall be adjusted an equivalent number of ranges or steps on the salary schedule.

CHAPTER 1135

An act to amend Sections 7150 and 7152 of the Financial Code, relating to financial institutions.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. 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; provided, that the commissioner may, by regulation, permit a term of more than 20 years, but not more than 25 years, for loans made in accordance with such regulations

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. 2. Section 7152 of the Financial Code is amended to read:

7152. An association may make amortized loans upon the security of improved real property in an amount not in excess

of 70 percent of the appraised value of such real property; provided, that the commissioner may, by regulation, increase such amount to 75 percent of the appraised value of such real property for loans made pursuant to this section and in accordance with such regulations.

CHAPTER 1136

An act to amend Section 18946 of the Financial Code, relating to industrial loan companies.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 18946 of the Financial Code is amended to read:

18946. Any corporation organized as an industrial loan company other than a premium finance agency shall conduct any insurance premium financing business under the authority of this chapter and it shall be subject to all of the provisions of this chapter in respect to such business, as if it were organized hereunder except that no cumulative capitalization requirement shall be imposed.

CHAPTER 1137

An act to amend Section 4010 of, and add Section 4010.1 to, the Health and Safety Code, relating to water systems.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 4010 of the Health and Safety Code is amended to read:

4010. "Person," as used in this chapter, includes any public utility, municipality, or other public body or institution.

"User," as used in this chapter, shall be defined to include any individual, corporation or association of individuals using water for domestic purposes, except that "user" shall not be defined to include any individual, corporation, or association of individuals processing water or selling, serving, furnishing, or supplying water to the public in any manner.

"Furnish or supply," as used in this chapter, is used in its normal and natural meaning, and shall be defined to include furnishing or supplying water to two or more places of human habitation where said places are connected by an integrated

pipe system owned and operated by the supplier. "Furnish and supply" shall be defined not to include furnishing or supplying water in a rural area from an irrigation canal system, if the owner or operator of such irrigation canal system has notified in writing a user or supplier that such water is untreated and is being furnished or supplied solely for agricultural purposes, to either of the following:

1. A user where the user receives the water, by pipe or otherwise, directly from such irrigation canal system.

2. A supplier who owns or operates an integrated pipe system where such supplier receives the water, by pipe or otherwise, directly from such irrigation canal system.

"Irrigation canal system," as used in this section, shall be defined as a system of water conveyance facilities, including pipes, tunnels, canals, conduits, pumping plants, and related facilities, operated to furnish or supply water for agricultural purposes where a substantial portion of such facilities is open and directly accessible to the atmosphere.

SEC 2. Section 4010.1 is added to the Health and Safety Code, to read:

4010 1. In areas where the service rendered by a person is primarily agricultural and domestic service is only incidental thereto, the provisions of this chapter shall not apply except in specific areas in which the Department of Public Health has found its application to be necessary for the protection of the public health and has given written notice thereof to the person furnishing or supplying water in such area.

The Department of Public Health may prescribe reasonable and feasible action to be taken by such persons or the consumers to insure that their domestic water will not be injurious to health.

CHAPTER 1138

An act to amend Section 51220 of the Government Code, relating to the California Land Conservation Act of 1965.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 51220 of the Government Code is amended to read:

51220. The Legislature finds:

(a) That the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this state and nation.

(b) That the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves in that it will discourage discontiguous urban development patterns which unnecessarily increase the costs of community services to community residents.

(c) That in a rapidly urbanizing society agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of this chapter, constitutes an important physical, social, esthetic and economic asset to existing or pending urban or metropolitan developments.

(d) For these reasons, this chapter is necessary for the promotion of the general welfare and the protection of the public interest in agricultural land.

CHAPTER 1139

An act to amend Sections 375 and 582 of the Streets and Highways Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 375 of the Streets and Highways Code is amended to read:

375. Route 75 is from:

(a) Route 125 near Brown Field to Route 5 near the south end of San Diego Bay.

(b) Route 5 to Route 5 via the Silver Strand and the San Diego-Coronado Toll Bridge.

SEC. 2. Section 582 of said code is amended to read:

582. Route 282 is from:

(a) The San Diego-Coronado Ferry to Fourth Street via Orange Avenue.

The portion of this route described in subdivision (a) shall cease to be a state highway when the San Diego-Coronado Toll Bridge and approaches are completed and open for traffic.

(b) Orange Avenue to the Naval Air Station at North Island in Coronado.

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 San Diego-Coronado Bridge is scheduled to be opened to traffic in the fall of 1969. Fourth Street in Coronado will constitute the direct approach to the bridge from the North

Island Naval Air Station, and in order to bring this street up to the standards necessary to provide for a free and orderly flow of traffic thereon between the bridge and the North Island Naval Air Station it will require improvement. In the interest of traffic safety, it is imperative that the improvement be timed to coincide with the opening of the bridge. To permit the expenditure of state highway funds for such improvement to be completed by the date the bridge is opened, it is necessary that this act go into immediate effect.

CHAPTER 1140

An act to amend Sections 942, 11715, and 11716 of the Insurance Code, relating to insurance.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 942 of the Insurance Code is amended to read:

942. The commissioner shall, upon the receipt of such securities, forthwith make a special deposit thereof in the State Treasury, subject to the provisions of Sections 11715 and 11716, in packages marked with the name of the insurer from whom received. The securities shall remain there as security for policyholders or policyholders and creditors of the insurer to whom they respectively belong. The state is responsible for the custody and safe return of any money or securities so deposited. The State Treasurer shall deposit any such moneys under the provisions of Sections 16370 and 16375 of the Government Code.

SEC. 2. Section 11715 of the Insurance Code is amended to read:

11715. Any workmen's compensation insurer may, in lieu of and subject to the same conditions as the bond required by Section 11690 and upon payment of the fee prescribed in this article, deposit with the commissioner cash or approved interest-bearing securities or approved preferred stocks readily convertible into cash. Such deposit shall be made from time to time as demanded by the commissioner. He shall forthwith redeposit such cash and securities as a separate deposit with the State Treasurer or bank or trust company pursuant to the approval of the commissioner under such rules and regulations as he may deem necessary. Such deposit shall be maintained at an amount not less than twenty-five thousand dollars ($25,000) nor less than the reserves required of such insurer to be maintained under any of the provisions of Article 1 (commencing with Section 11550), Chapter 1, Part 3, Division 2 of this code, relating to loss reserves on workmen's compensation business of the insurer in this state nor less than the sum of the amounts specified in subdivision (a) of Section 11699.

SEC. 3. Section 11716 of the Insurance Code is amended to read:

11716. Such deposit shall be security for the payment of the insurer's obligations on workmen's compensation insurance transacted in this state in the same manner as is provided in this article for the use of the bond. Such deposit shall not be withdrawn except upon the written order of the commissioner to use the proceeds thereof in payment of workmen's compensation claims, but shall be forthwith payable by the State Treasurer or such bank or trust company approved by the commissioner to the commissioner upon such order. No deposit so placed with a bank or trust company shall be subject to any lien or claim asserted by it or be subject to any disposition or claim other than as is permitted by the commissioner. Irrespective of any other provisions of this code such deposit shall be physically retained by the State Treasurer or such bank or trust company approved by the commissioner and only released in accordance with the provisions of this article.

CHAPTER 1141

An act to authorize awarding bids for construction of certain junior college buildings and facilities prior to appropriation of state funds from Junior College Construction Program Bond Act of 1968.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Any junior college district which was a part of a unified school district before July 1, 1966, and which is leasing buildings and facilities from such unified school district and is required to vacate such buildings and facilities prior to the 1970–1971 school year, may award bids for construction of buildings and facilities, the proposed projects for which have been approved by the Department of Education and the Department of Finance pursuant to Sections 20076 and 20077 of the Education Code, prior to the appropriation by the Legislature of the state's share of the funding thereof from the Junior College Construction Program Bond Act of 1968 pursuant to Section 20082 of the Education Code, if such district has demonstrated to the satisfaction of the Department of Education and the Department of Finance that the district has substantiated the need for the early awarding of bids by its capital construction program, and the construction dates contained therein, and that the district has the financial capabilities to complete the building projects for which the bids have been awarded in the event the Legislature fails to appropriate the necessary state funding.

CHAPTER 1142

An act to amend Sections 73676, 73677, 73678, 74844, 74846, 74847, and 74848 of the Government Code, relating to municipal courts.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 73676 of the Government Code is amended to read:

73676. Whenever a reference to a salary range number is made in this article, the following schedule of monthly salaries shall apply:

Salary Schedule

Salary range number	Step 1	Step 2	Step 3	Step 4	Step 5
15	$325	$341	$358	$376	$395
15½	333	349	367	385	405
16	341	358	376	395	415
16½	349	367	385	405	425
17	358	376	395	415	436
17½	367	385	405	425	447
18	376	395	415	436	458
18½	385	405	425	447	469
19	395	415	436	458	481
19½	405	425	447	469	493
20	415	436	458	481	505
20½	425	447	469	493	517
21	436	458	481	505	530
21½	447	469	493	517	543
22	458	481	505	530	556
22½	469	493	517	543	570
23	481	505	530	556	584
23½	493	517	543	570	598
24	505	530	556	584	613
24½	517	543	570	598	628
25	530	556	584	613	644
25½	543	570	598	628	660
26	556	584	613	644	676
26½	570	598	628	660	693
27	584	613	644	676	710
27½	598	628	660	693	727
28	613	644	676	710	745
28½	628	660	693	727	763
29	644	676	710	745	782
29½	660	693	727	763	801
30	676	710	745	782	821
30½	693	727	763	801	841
31	710	745	782	821	862

Salary range number	Step 1	Step 2	Step 3	Step 4	Step 5
31½	727	763	801	841	883
32	745	782	821	862	905
32½	763	801	841	883	927
33	782	821	862	905	950
33½	801	841	883	927	974
34	821	862	905	950	998

SEC. 2. Section 73677 of the Government Code is amended to read:

73677. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set in the salary schedule contained in Section 73676.

(a) Deputy clerk I ---------- Range 18½
(b) Deputy clerk II ---------- Range 19½
(c) Senior deputy clerk ---------- Range 21½
(d) Chief deputy clerk ---------- Range 23½
(e) Clerk ---------- Range 30½

Each person employed on the effective date of this section in the office of the clerk, including the clerk, shall receive credit for prior continuous service in office including service in departments superseded upon the establishment of the municipal court, and his prior service shall be deemed service in the new position, provided, however, that such credit shall be given only when the judge of the court determines that the officer or employee is entitled to receive it. Officers and employees shall be appointed at the first step for the range assigned to their classification except if it is difficult to secure qualified personnel, or if a person of unusual qualifications is appointed, the judge may appoint such person at the second step of the range assigned to that classification.

In the case of the appointment of the clerk of the municipal court, the judge shall be authorized, if he deems it necessary, to appoint the clerk at a higher step, not to exceed the fifth step of the range assigned to that classification as set forth in Section 73676, and, provided further, that if the judge is unable to secure a qualified person to fulfill the position of clerk of the municipal court for a salary as hereinabove provided, then the judge with the concurrence of the board of supervisors may establish a salary at a rate not to exceed eight hundred eighty-three dollars ($883) monthly.

SEC. 3. Section 73678 of the Government Code is amended to read:

73678 All increases in salary shall not be given as a matter of right but only when the judge of the court determines that the officer or employee is properly entitled to receive it.

Each person employed in the office of the clerk, including the clerk, shall have a merit increase eligibility date which shall be the first day of the month following completion of six months' service with the municipal court. If an employee begins his employment on the first working day of a month, it shall be considered for purposes of this section that such employment began on the first calendar day of that month. Subsequent merit increase eligibility dates shall be the first day of the month following completion of an additional six months' service, the first day of the month following completion of an additional 12 months' service, and the first day of the month following completion of an additional 18 months' service. The granting of any leave of absence without pay, other than military leave of absence, exceeding 15 consecutive calendar days shall cause the merit increase eligibility date to be extended to the first of the month following completion of the leave of absence without pay.

Notwithstanding the foregoing provisions of this section, an officer or employee who is promoted or reclassified to a position in a class with a higher salary range shall receive the recruiting salary for the higher class if it is greater than his salary prior to promotion or reclassification, or such higher amount as would constitute a one-step increase in the salary range over the salary received prior to the promotion or reclassification, not to exceed the top step of the new salary range. The effective date of all promotions shall coincide with the first working day of a pay period. Upon the promotion or reclassification, a new merit increase eligibility date shall be established, which shall be the first day of the month following completion of the number of months' service which corresponds with the required period of service as is governed by the next preceding paragraph of this section.

SEC. 4. Section 74844 of the Government Code is amended to read:

74844. There shall be one marshal who shall receive nine hundred five dollars ($905) monthly, provided, however, that in order to maintain comparability with the salaries of the elected officials of the County of Solano whose salaries are set by the board of supervisors, the judges, with the concurrence of the board of supervisors, may establish nine hundred fifty dollars ($950) or nine hundred ninety-eight dollars ($998) as the monthly salary.

SEC. 5. Section 74846 of the Government Code is amended to read:

74846. Whenever a reference to a salary range number is made in this article, the following schedule of monthly salaries shall apply:

Salary Schedule

Salary range number	Step 1	Step 2	Step 3	Step 4	Step 5
15	$325	$341	$358	$376	$395
15½	333	349	367	385	405
16	341	358	376	395	415
16½	349	367	385	405	425
17	358	376	395	415	436
17½	367	385	405	425	447
18	376	395	415	436	458
18½	385	405	425	447	469
19	395	415	436	458	481
19½	405	425	447	469	493
20	415	436	458	481	505
20½	425	447	469	493	517
21	436	458	481	505	530
21½	447	469	493	517	543
22	458	481	505	530	556
22½	469	493	517	543	570
23	481	505	530	556	584
23½	493	517	543	570	598
24	505	530	556	584	613
24½	517	543	570	598	628
25	530	556	584	613	644
25½	543	570	598	628	660
26	556	584	613	644	676
26½	570	598	628	660	693
27	584	613	644	676	710
27½	598	628	660	693	727
28	613	644	676	710	745
28½	628	660	693	727	763
29	644	676	710	745	782
29½	660	693	727	763	801
30	676	710	745	782	821
30½	693	727	763	801	841
31	710	745	782	821	862
31½	727	763	801	841	883
32	745	782	821	862	905
32½	763	801	841	883	927
33	782	821	862	905	950
33½	801	841	883	927	974
34	821	862	905	950	998

SEC. 6. Section 74847 of the Government Code is amended to read:

74847. Persons employed in any of the positions authorized by this article except the marshal shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 74846:

(a) Deputy clerk I ---------- Range 18½
(b) Deputy clerk II ---------- Range 19½
(c) Senior deputy clerk ---------- Range 21½
(d) Chief deputy clerk ---------- Range 23½
(e) Clerk ---------- Range 31½
(f) Clerk II ---------- Range 17½
(g) Deputy marshal—female ---------- Range 21½
(h) Deputy marshal ---------- Range 27½
(i) Chief deputy marshal—office supervisors ---------- Range 28½

Each person employed in the office of the clerk and the office of the marshal, including the clerk and the marshal, on the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature shall receive credit for prior continuous service in office including service in departments superseded upon the establishment of the municipal court, and his prior service shall be deemed service in the new position, provided, however, that such credit shall be given only when the judges of the court determine that the officer or employee is entitled to receive it. The clerk, deputy clerks, and attachés of the court shall be appointed at the first step for the range assigned to their classification, except if it is difficult to secure qualified personnel, or if a person of unusual qualifications is hired, the judges may appoint such person at the second step of the range assigned to that classification. In the case of the appointment of the clerk of the municipal court, the judges shall be authorized, if they deem it necessary, to appoint the clerk at a higher step, not to exceed the fifth step of the range assigned to that classification as set forth in Section 74846, and, provided, further, that if the judges are unable to secure a qualified person to fulfill the position of clerk of the municipal court for a salary as hereinabove provided, then the judges with the concurrence of the board of supervisors may establish a salary at a rate not to exceed nine hundred twenty-seven dollars ($927) monthly.

SEC. 6. Section 74848 of the Government Code is amended to read:

74848. All increases in salary shall not be given as matter of right but only when the judges of the court determine that the officer or employee is properly entitled to receive it. Each person employed in the office of the clerk and in the office of the marshal, including the clerk but not including the marshal, shall have a merit increase eligibility date which shall be the first day of the month following completion of six months' service with the municipal court. If an employee begins his employment on the first working day of a month, it shall be considered for purposes of this section that such employment began on the first calendar day of that month. Subsequent merit increase eligibility dates shall be the first day of the month following completion of an additional six months' service, the first day of the month following completion of an addi-

tional 12 months' service, and the first day of the month following completion of an additional 18 months' service. The granting of any leave of absence without pay, other than military leave of absence, exceeding 15 consecutive calendar days shall cause the merit increase eligibility date to be extended to the first of the month following completion of the leave of absence without pay.

Notwithstanding the foregoing provisions of this section, an officer or employee who is promoted or reclassified to a position in a class with a higher salary range shall receive the recruiting salary for the higher class if it is greater than his salary prior to promotion or reclassification, or such higher amount as would constitute a one-step increase on the salary range over the salary received prior to the promotion or reclassification, not to exceed the top step of the new salary range. The effective date of all promotions shall coincide with the first working day of a pay period. Upon the promotion or reclassification, a new merit increase eligibility date shall be established, which shall be the first day of the month following completion of the number of months' service which corresponds with the required period of service as is governed by the next preceding paragraph of this section.

CHAPTER 1143

An act to add Article 1 (commencing with Section 9200) to Chapter 18 of Division 2 of, and to repeal Article 1 (commencing with Section 9200) of Chapter 18 of Division 2 of, the Financial Code, relating to savings and loan associations.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Article 1 (commencing with Section 9200) of Chapter 18 of Division 2 of the Financial Code is repealed.

SEC. 2. Article 1 (commencing with Section 9200) is added to Chapter 18 of Division 2 of the Financial Code, to read:

Article 1. Merger, Consolidation, and Transfer

9200. Any domestic association may transfer all or substantially all of its property and assets to any other domestic association upon such terms as may be agreed by the affirmative vote of at least a majority of their respective directors, ratified, in the case of the contracting associations by either (a) the vote or written consent of stockholders holding in the aggregate not less than two-thirds of the outstanding stock of each contracting association, or (b) by the vote or written consent of shareholders holding in the aggregate not less than two-thirds in value of the outstanding shares if the contract-

ing association is a mutual association. Regardless of any other provisions of law, the vote or written consent of borrower members of the contracting associations is not required, and the vote or written consent of the shareholders of a contracting association which issues both stock and shares is not required, provided the vote or written consent of the stockholders is secured as provided in (a) above. Any such transfer shall have prior written approval of the commissioner.

9201. Any domestic association may transfer all or substantially all of its property and assets to a federal savings and loan association, or any federal savings and loan association may transfer all or substantially all of its property and assets to any domestic association, upon such terms as may be agreed by the affirmative vote of at least a majority of their respective directors, ratified, in the case of the contracting domestic association by either (a) the vote or written consent of stockholders holding in the aggregate not less than two-thirds of the outstanding stock of the contracting association, or (b) by the vote or written consent of shareholders holding in the aggregate not less than two-thirds in value of the outstanding shares if the domestic contracting association is a mutual association. In the case of contracting federal savings and loan associations, the transfer shall be ratified by the vote or written consent prescribed by the laws of the United States and the regulations of the Federal Home Loan Bank Board applicable thereto. Regardless of any other provisions of law, the vote or written consent of borrowing members of a domestic contracting association is not required, and the vote or written consent of the shareholders of a domestic contracting association which issues both stock and shares is not required, provided the vote or written consent of the stockholders is secured as provided in (a) above. Any such transfer shall have prior written approval of the commissioner.

9202. Any two or more domestic associations may be merged into one of such constituent associations, or consolidated into a new association with or without any division of the funds or property of either of them.

9203 Any one or more domestic associations, and any one or more federal savings and loan associations, may be merged into one of such constituent associations, or consolidated into a new association, domestic or federal, with or without any division of the funds or property of any of them.

9204. Each merger or consolidation shall be approved by the commissioner upon a finding by him that the terms and conditions of the proposed merger or consolidation are fair, just, and equitable, and with respect to any constituent domestic association shall be made in conformity with the provisions of law applicable to mergers and consolidations in the case of corporations generally except as otherwise expressly provided in this article, and with respect to any constituent federal savings and loan association, be made in conformity with the provisions of the laws of the United States, and the

rules and regulations of the Federal Home Loan Bank Board applicable to mergers and consolidations.

9205. The board of directors of each association seeking to merge or consolidate shall, by resolution, approve the terms and conditions of the proposed agreement and the mode of carrying them into effect, as well as the manner and basis of converting the shares or stock of the constituent associations into the shares or stock of the surviving or consolidated association. The agreement may provide for the distribution of cash, property, or securities, in whole or in part, in lieu of stock, to stockholders of the constituent associations.

9206. If the agreement is for a merger, it shall state any matters with respect to which the articles of the surviving association are amended and the articles shall be amended accordingly, without any further proceedings, upon the effective date of the merger, but with respect to any such amendments, the agreement shall meet the requirements of Section 3631 of the Corporations Code in identifying any provisions to be amended, stricken, or added and shall set forth in full the wording of the provision as amended or added or the wording of the amended articles if they be amended in full.

9207. The agreement shall be approved by either (a) the vote or written consent of stockholders holding in the aggregate not less than two-thirds of the outstanding stock of each association or (b) the vote or written consent of shareholders holding in the aggregate not less than two-thirds in value of the outstanding shares if the association is a mutual association. Regardless of any other provisions of law, the vote or written consent of borrowing members of each association is not required and the vote or written consent of the shareholders of an association which issues both stock and shares is not required provided the vote or written consent of the stockholders is secured as provided in (a) above. If the written consent of the stockholders or shareholders is not received a notice of a meeting to vote duly called upon notice of the time, place, and purpose thereof shall be duly given to each stockholder or shareholder entitled to vote at least 20 days prior to the date of the meeting.

9208. The approval of the stockholders or shareholders may be given before or after the approval of the agreement by the board of directors.

9209. When the agreement has been approved by the directors and the stockholders or shareholders of an association, the association shall mail notice of the approval to each of its stockholders or shareholders.

9210. After approval by the directors and stockholders or shareholders has been given, the president or a vice president and the secretary or an assistant secretary of each association shall execute and submit to the commissioner for his written approval a certificate, which shall be verified by their affidavit stating, in effect, that the matters set forth in the certificate are true of their own knowledge, and shall set forth:

(a) The time and place of the meeting of the board of directors.

(b) A copy of the resolution adopted by the board of directors showing approval of the terms and conditions of the agreement of merger or consolidation.

(c) The vote in favor of the resolution.

(d) (1) The time and place of the noticed meeting of the stockholders or shareholders to approve the agreement or the fact that written consents of stockholders or shareholders to approval of the agreement as provided in Section 9209 have been filed with the secretary of the association;

(2) That the terms and conditions of the agreement were approved at such meeting or by such written consent and the total number of shares of stock or the total value of shares held by the shareholders of a mutual association by whose vote or written consent the agreement was approved, and

(3) The total number of shares of stock outstanding and the total value of the shares outstanding if the association is a mutual association.

(e) If the agreement was approved at a meeting, a statement of the mailing of the notice of the time, place, and purpose of the meeting of the stockholders or shareholders.

(f) The name of the surviving or consolidated association.

(g) That the agreement for merger or consolidation submitted to the commissioner for his written approval and for filing thereafter with the Secretary of State concurrently with this certificate is the agreement hereinabove referred to and sets forth the terms and conditions approved by said resolution of directors and vote or written consent of stockholders or shareholders.

(h) Such additional matters as the commissioner may require.

9211. Any amendment to the agreement may be adopted, and the agreement so amended may be approved at the meeting of the stockholders or shareholders of any of the associations or by written consent of such stockholders or shareholders, in the same manner and by the same vote as the original agreement. If the agreement so amended is approved at a meeting or by written consent by the stockholders or shareholders and by the board of directors of each of the associations by the vote or written consent required for approval of the original agreement, the agreement so amended shall be signed and acknowledged and shall have certified therewith the approval of the directors and of the stockholders or shareholders in the same manner as provided for the original agreement, and shall then constitute the merging or consolidating agreement.

9212. The directors of an association may, in their discretion, abandon a merger or consolidation, subject to the rights of third parties under any contracts relating thereto, without further action or approval by the stockholders or shareholders

of the association, at any time before the merger or consolidation has been completed.

9213. The executed agreement, or an executed counterpart thereof and the respective certificate of each constituent domestic association and of the surviving domestic association shall be separately filed with the Secretary of State. Neither the agreement nor any certificate shall be filed, however, unless the commissioner's written approval is attached thereto and until there has been filed with the Secretary of State, by or on behalf of each association taxed under the provisions of Chapter 2 (commencing with Section 23101) of Part 11 of Division 2 of the Revenue and Taxation Code, 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 such act have been paid or secured. A copy of the approved agreement certified by the Secretary of State shall be filed with the commissioner. The effective date of the merger or consolidation under this article shall be the date of the filing with the commissioner of the copy of the approved agreement of merger or consolidation certified by the Secretary of State. The commissioner shall promptly notify the Secretary of State of the date of filing of such documents.

9214. In the case of a merger, the provisions of Article 2 (commencing with Section 4300) of Chapter 3, Part 8, Division 1, Title 1 of the Corporations Code shall apply only to stockholders and shares of stock owned by them in the association being merged into a surviving association.

9215. A domestic association may acquire all of the issued and outstanding stock of another domestic association, or any other corporation, with the prior written approval of the commissioner upon such conditions as he may impose as a step in a plan of merger to be approved by the commissioner. The acquisition of such stock shall be upon such terms as may be agreed by the affirmative vote of at least a majority of the board of directors of the acquiring association ratified by the vote or written consent of stockholders of the acquiring association holding in the aggregate not less than a majority of its outstanding stock.

9216. Any domestic association, owning all the outstanding stock of any corporation, may merge such wholly owned subsidiary corporation if the laws under which the subsidiary corporation exists permits a merger as this section provides. Such association shall submit to the commissioner for approval 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 corporation, and to assume all of its obligations.

(c) The time and place of the meeting of the board of directors at which such resolution was adopted, and the vote by which it was adopted.

If the commissioner approves such merger, he shall attach to the certificate his written approval, and the certificate shall be filed with the Secretary of State. A copy of the approved certificate certified by the Secretary of State shall be filed with the commissioner. 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 association as fully as the same were before held and enjoyed by the merged corporation, but subject to all the liabilities and obligations of the merged corporation and the rights of all creditors thereof. The parent association 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 provisions of this division. The parent association 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.

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 subsidiary corporation. 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 and right to transact intrastate business as provided in Section 6700 of the Corporations Code. Certified copies of the certificate shall also be filed as provided in Section 4114 of the Corporations Code. No copy of the certificate shall be filed 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 subsidiary corporation by the Bank and Corporation Tax Law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code, have been paid or secured.

9217. A filing fee of seven hundred fifty dollars ($750) shall be paid to the commissioner for each application for merger, consolidation or transfer requiring the commissioner's approval.

9218. The commissioner may adopt rules and regulations relating to any transaction regulated by this article.

CHAPTER 1144

An act to add Section 25655 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 25655 is added to the Business and Professions Code, to read:

25655. Notwithstanding any other provision of this division, licensees who operate a bona fide public eating place, licensed only with an on-sale beer and wine license, may permit any woman employee to dispense beer or wine, or both beer and wine, from behind any bar or permanently affixed fixture on the premises.

CHAPTER 1145

An act to amend Section 12 of, and to add Sections 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, and 134 to, the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), relating to drainage districts.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 12 of the Drainage District Act of 1903 (Chapter 238 of the 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. Said directors may appoint a treasurer who shall likewise hold office during the pleasure of the board. The offices of secretary and treasurer may be combined in one person. 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. In the event a treasurer is appointed or the offices of secretary and treasurer are combined in one person, the salary of the treasurer or of the combined office shall be fixed by the board of directors, and such person shall execute a bond in the sum of fifty thousand dollars ($50,000) to be approved by the board, except that the board may fix the bond to suit the conditions of the district, with the maximum amount thereof not to exceed fifty thousand dollars ($50,000), and the minimum amount thereof not to be less than five thousand dollars ($5,000).

SEC. 1.5. Section 100 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 100. Improvement districts consisting of contiguous or noncontiguous portions of the territory of a drainage district may be formed within the district to undertake projects to investigate, analyze, appraise, finance, acquire and carry out any of the objects and purposes of this act of special benefit to such improvement districts, including without limitation, projects to construct, maintain, extend, repair or improve any work or improvement of special benefit to such district.

SEC. 2. Section 101 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 101. Bonds of a district for an improvement district may be issued for any purpose for which bonds of the district may be issued; provided, that the carrying out of said purpose shall benefit the lands within said improvement district.

SEC. 3. Section 102 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 102. Whenever the board is of the opinion that an improvement district should be formed, said board of directors shall adopt a resolution of intention which shall state: (a) the intention of the board to form the proposed improvement district; (b) the purpose for which the proposed improvement district is to be formed; (c) the estimated expense of carrying out said purpose; (d) the method by which the project is proposed to be financed and 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, the estimated maximum amount of such taxes which may be levied in any one year; (e) that assessments for carrying out said purpose shall be levied exclusively upon the lands in said proposed improvement district; (f) that a map showing the exterior boundaries of said proposed improvement district, which map shall

govern for all details as to the extent of the proposed improvement district, is on file with the secretary of the district and is available for inspection by any person or persons interested; (g) the time and place for a hearing by the board on the formation of said proposed improvement district, the extent thereof, the purpose for which it is to be formed, the benefit to lands within the proposed improvement district from carrying out said purpose, the estimated expense of carrying out said purpose or any other matter relating to any of the foregoing; and (h) that at said time and place any persons interested, including all persons owning lands in the district or in the proposed improvement district, may appear and be heard.

SEC. 4. Section 103 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 103. Notice of said hearing shall be given by publishing a copy of the resolution of intention 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 proposed improvement district for at least fourteen (14) days prior to the time fixed for said hearing. Said notice shall also be given by mailing a copy of the notice to the last known address of all of the owners of land in the proposed improvement district. Such mailed notice shall be sent first class and deposited, postage prepaid, in the United States mails and shall be deemed to have been given when so deposited. No notice other than that required by this section need be given.

SEC. 5. Section 104 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 104. 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 of intention, at which hearing any person interested, including all persons owning land in the district, or in the proposed improvement district, may appear and be heard concerning any matters set forth in the resolution of intention or any matters material thereto.

SEC. 6. Section 105 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 105. If prior to the conclusion of the hearing, written protests against the formation of the proposed improvement district and the proposed project, signed by a majority in number of the holders of title to taxable property within the proposed improvement district and who are also the holders of title to not less than 51 percent of the area thereof are filed with the board, further proceedings relating to the proposed improvement district and the proposed project shall be terminated and no proceedings for the formation of any improvement district to undertake the proposed project shall

be instituted for a period of not less than six months following the date of the conclusion of the hearing.

Qualifications of protest signers, use of assessment rolls, personal representatives, evidence of right to protest, joint ownership, trustees, corporations and associations, proxies, erroneous assessments, vendees, and instruments evidencing right to protest shall all be determined and processed to conform as nearly as may be practicable to the provisions set forth in Section 7 of this act.

SEC. 7. Section 106 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 106. At the hearing the board may adopt a resolution proposing modifications relating to any or all of the following: (a) a modification of the boundaries of the proposed improvement district; (b) the addition to the proposed improvement district of lands which in its opinion will be benefited by carrying out the purpose described in the resolution of intention; (c) the exclusion from the proposed improvement district of any lands described in the resolution of intention which in its opinion will not be benefited by carrying out said purpose or (d) the increasing, decreasing or otherwise modifying of the purpose stated in the resolution of intention. Said resolution proposing modification shall describe the proposed modifications, state the change, if any, in the estimated expense of carrying out the purpose, and shall fix a time and place for hearing by the board thereon.

SEC. 8. Section 107 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 107. The board shall not order any modifications except after publication of the resolution proposing said modifications once in the same newpaper in which the resolution of intention was published, said publication to be at least fourteen (14) days prior to the date of hearing on said proposed modifications.

SEC. 9. Section 108 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 108. The hearing on any proposed modifications, or any continuance thereof, may be held at the same time and place as any continued hearing on the resolution of intention and both said hearings may be held and conducted concurrently.

SEC. 10. Section 109 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 109. At the conclusion of the hearing on the resolution of intention and of the hearing, if any, upon proposed modifications, the board may by resolution order the improvement district formed for the purpose and with the exterior boundaries described in the resolution of intention, or for the purpose and with the exterior boundaries as proposed to be modified in the resolution, if any, proposing modifications. Said resolution ordering the district formed shall state the estimated expense of carrying out the purpose described

therein. Said resolution shall also number and designate said improvement district substantially as "Improvement District No. __ of _____ Drainage District". No improvement district shall be formed hereunder unless the board shall, in the resolution declaring such improvement district to be formed, finds and declares that all property located within the improvement district is equally benefited by the project proposed therefor, and if the board so finds and declares, such determination shall be final and conclusive.

SEC. 11. Section 110 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 110. After adopting the resolution ordering the improvement district formed, the board may provide for and call a special bond election within such improvement district to submit to the voters of the improvement district a proposition of whether or not an indebtedness of the district shall be incurred and bonds issued therefor in an amount not exceeding the estimate stated in the resolution ordering the improvement district formed, such indebtedness and bonds to be payable from assessments to be levied and collected upon lands within said improvement district.

SEC. 12. Section 111 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 111. Except as otherwise provided in this act, special bond elections within an improvement district shall be called, noticed, held, conducted and the results thereof canvassed in substantially the same manner as is provided in this act for general obligation bond elections held in the entire district.

SEC. 13. Section 112 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 112. If a majority of the votes cast upon the proposition at a special bond election held in an improvement district are in favor of the issuance of said bonds of said district for said improvement district, 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. 14. Section 113 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 113. Bonds of said district for said improvement district shall be issued and sold in substantially the same manner and upon the same terms and conditions as general obligation bonds of the entire district, except that assessments for the payment of said bonds and the interest thereon shall be levied and collected from annual assessments to be levied upon and collected from lands within said improvement district. The bonds shall be issued in the name of the district and shall be designated "Bonds of _____ Drainage District for Improvement District No. __", and each bond and all interest coupons shall state that the assessment for the payment thereof shall be limited to annual assessments to be levied upon and collected from the lands within said improvement district,

except to the extent that provision for such payment has been made by the board, as may be permitted by law.

SEC. 15. Section 114 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 114. Except as otherwise provided in this act, the provisions of this act applicable to assessments, general obligation bonds of the district and assessment therefor shall, so far as consistent with this act, apply to assessments, general obligation bonds and assessments therefor, of the district for improvement districts therein.

SEC. 16. Section 115 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 115. The board of directors must, on or before the first meeting of the board of supervisors in September of each year, furnish the supervisors and the auditor of the county wherein the improvement district is situated, or if such improvement district is not entirely within one county, then as hereinafter provided, to the supervisors and auditors of each county in which any portion of the district is situated, a description of the improvement district, an estimate in writing of the amount of money needed for the purposes of the improvement district for the ensuing fiscal year and may add thereto a sum sufficient to provide funds for necessary expenditures during the next succeeding fiscal year, prior to the time when the first installment of taxes for such succeeding fiscal year shall be collected and apportioned, and also to include in any year a sum to be placed in a sinking fund to pay the principal of bonds outstanding. This amount shall be sufficient to raise the annual interest on the outstanding bonds, to create a reserve fund as may be provided by contract or under the terms and conditions of any issue of bonds, to be used to pay bond principal and interest, to pay the estimated costs of repairs, the incidental expenses of the improvement district, the cost of repairing, maintaining, altering or adding to an existing system of drainage works, and in any year in which any bonds shall fall due, an amount sufficient to pay the principal of the outstanding bonds as they mature.

SEC. 17. Section 116 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 116. The board of supervisors of each county wherein is situated an improvement district or any part thereof organized under the provisions of this act, shall, annually, at the time of levying county tax, levy a tax to be known as "Improvement District No. __ of _____ Drainage District Tax," sufficient to raise an amount reported to them as herein provided, by the board of directors. The supervisors shall determine the rate of such tax by deducting 15 percent for anticipated delinquencies from the total assessed value of the real property of the district within the county as it appears on the assessment roll of the county, and then dividing the

sum reported by the board of directors as required to be raised by the remainder of such total assessed value.

SEC. 18. Section 117 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 117. An improvement district shall be governed, and its business shall be conducted by the board and officers of the district in the name of the district. An improvement district shall not have its own officers or employees. The board and each of the officers of the district, respectively, shall have all the rights, powers and privileges as to an improvement district, its land and the proceeding in relation to the improvement district that each respectively has as to the district of which the improvement district is a part.

SEC. 19. Section 118 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 118. After the formation of an improvement district additional lands contiguous or noncontiguous thereto may be included therein upon such terms and conditions as may be fixed by the board. If the board is of the opinion that territory should be added to an improvement district, the board shall adopt a resolution of intention which shall state:

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

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

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

(d) The assessments for carrying out any purpose of said improvement district including the payment of principal of and interest on any bonds outstanding shall be levied exclusively upon the lands in said proposed improvement district including the territory annexed thereto.

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

(f) That at said time and place any persons interested including persons owning land within the area to be annexed to the improvement district may appear and be heard. Notice of said hearing shall be given in the same manner as provided in Section 103.

SEC. 20. Section 119 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 119. At the time and place fixed or at any time and place to which the hearing is continued, the board shall hold the hearing provided for by said resolution of intention at which hearing any person interested, including all persons owning land in the district or in the territory to be annexed to the improvement district, may appear and be heard concerning

any matters set forth in the resolution of intention or any matters material thereto.

SEC. 21. Section 120 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 120. At the hearing the board may adopt a resolution proposing modifications relating to any or all of the following:

(a) Modification of the boundaries of the territory to be annexed.

(b) The addition to the territory proposed to be annexed of lands of which in its opinion will be benefited by being annexed to said improvement district.

(c) The exclusion from the territory to be annexed of any lands described in the resolution of intention which in its opinion will not be benefited by being annexed to said improvement district.

(d) The terms and conditions set forth in the resolution of intention or if none the board may adopt terms and conditions.

Said resolution proposing modification shall describe the proposed modifications and shall fix a time and place for a hearing by the board thereon. The board shall not order any modifications except after publication of the resolution proposing said modifications as provided in Section 107 above.

SEC. 22. Section 121 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 121. At the conclusion of the hearing on the resolution of intention and of the hearing, if any, upon proposed modifications the board may by resolution order the territory annexed to said improvement district upon the terms and conditions set forth in said resolution of intention.

SEC. 23. Section 122 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 122. As an alternative procedure for the annexation of land to an improvement district, additional lands may be included within any improvement district by resolution of the board declaring the territory annexed after receipt by the board of written consent of the owners of all of the land to be annexed thereto which consent shall include the terms and conditions of annexation, if any.

SEC. 24. Section 123 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 123. The determination of the board establishing an improvement district shall be final and conclusive.

SEC 25. Section 124 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 124. Dissolution of an improvement district may be had in the same manner and after the same notice as is required for the formation of an improvement district. The board may, after the hearing, order the improvement district dissolved.

SEC. 26. Section 125 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 125. For the purpose of the care, operation, management, or improvement of a project or projects 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 act provided for, fix rates of tolls and charges for drainage facilities or available drainage facilities and other services rendered by the district, and collect the same from all persons receiving the benefit of the drainage facilities or other services. The tolls and charges shall be proportional as nearly as possible to the service rendered.

SEC. 27. Section 126 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 126. Whenever any tolls or charges for the use of drainage facilities or for other services rendered by the district provided for by this act have been fixed by the board, they may be made payable in advance.

SEC. 28. Section 127 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 127. In case any tolls or charges remain unpaid for a period of 30 days after they become payable, they become delinquent and a penalty of 10 percent shall be added thereto, and they bear interest at the rate of 12 percent per year.

SEC. 29. Section 128 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 128. After any toll or charge becomes delinquent, the board may file in the office of the county recorder of the county in which is situated the land as to which such tolls or charges are delinquent, a list showing:

(a) The names of the owners of the land, if known, and if not known, a statement of that fact.

(b) A description of the land by reference to maps prepared in accordance with Section 327 of the Revenue and Taxation Code, and on file in the office of the county assessor or by reference to plats or maps on file in the office of the clerk.

(c) The amounts of tolls and charges which are delinquent.

Upon the filing of the list, the tolls and charges so listed, together with the penalties and interest thereon, shall become a lien upon the land as to which such tolls and charges are delinquent in the same manner and of the same character and effect as the lien provided in Section 2191.4 of the Revenue and Taxation Code.

SEC. 30. Section 129 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 129. The board may, at any time after any toll or charge provided for in this act has become delinquent, direct that proceedings be not taken to enforce the lien therefor, and in place of such proceedings bring suit in the name of the district against the delinquent to enforce collection of the delinquent toll or charge.

SEC. 31. Section 130 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 130. In the suit the district may recover the amount of the toll or charge, together with penalties and interest, and costs of suit.

SEC. 32. Section 131 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 131. The provisions of Sections 131 to 134, inclusive, are intended to provide an alternative procedure for the deposit of all, or any part of, proceeds of bond sales, proceeds of assessments and proceeds of sale of land and of all, or any part of, other funds of a district.

SEC. 33. Section 132 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 132. The board may at any time, by resolution, elect to proceed under the provisions of Sections 131 to 134, inclusive, with respect to the deposit of funds of the district, and the board may at any time thereafter terminate its election to proceed under such provisions, and thereafter such provisions shall no longer apply. No such resolution shall be effective until a certified copy thereof shall be filed with the auditor and treasurer of each county within which the drainage district is located.

SEC. 34. Section 133 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 133. Any money belonging to the drainage district may be deposited by the treasurer pursuant to the general laws governing the deposit of public money upon the filing of a certified copy of a resolution as provided in Section 132. Any money so deposited shall be withdrawn from such deposit by the treasurer upon his being furnished with a certified copy of the board's termination resolution.

SEC. 35. Section 134 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 134. Where the deposit of money is insured by the Federal Deposit Insurance Corporation, no additional security need be required from the bank for the portion of the district's deposits so insured.

CHAPTER 1146

An act to amend Section 1019 of the Education Code and Section 3364.5 of the Labor Code, relating to authorization of insurance coverage.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 1019 of the Education is amended to read:

1019. Notwithstanding Section 1017 of this article, the governing board of any school district or the county board of education may provide for persons authorized by the governing board or the county superintendent of schools to perform volunteer services for the district or the county superintendent of schools insurance coverage which is the same as or comparable to that provided for employees of the district or the county superintendent of schools, including coverage under the provisions of Division 4 (commencing with Section 3201) of the Labor Code.

SEC. 2. Section 3364.5 of the Labor Code is amended to read:

3364.5. Notwithstanding Section 3351 of the Labor Code, a volunteer, unsalaried person authorized by the governing board of a school district or the county superintendent of schools to perform volunteer services for the school district or the county superintendent shall, upon the adoption of a resolution of the governing board of the school district or the county board of education so declaring, be deemed an employee of the district or the county superintendent for the purposes of this division and shall be entitled to the workmen's compensation benefits provided by this division for any injury sustained by him while engaged in the performance of any service under the direction and control of the governing board of the school district or the county superintendent.

CHAPTER 1147

An act to amend Section 13305 of the Education Code, relating to certificated employees.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 13305 of the Education Code is amended to read:

13305. Every certificated employee of a school district of any type or class having an average daily attendance of less than 250, and every certificated employee of any school district in a position requiring a supervision or administration credential, may be offered a continuing contract to cover a period longer than one year but not to exceed four years.

CHAPTER 1148

An act to amend Section 1653 of, and to add Section 1693 to, the Code of Civil Procedure, relating to the enforcement of duties of support.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 1653 of the Code of Civil Procedure is amended to read:

1653. As used in this title unless the context requires otherwise,

(1) "State" includes any state, territory or possession of the United States, the District of Columbia, and any foreign jurisdiction in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) "Court" means the superior court of this state and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate maintenance or otherwise.

(7) "Obligor" means any person owing a duty of support.

(8) "Obligee" means any person to whom a duty of support is owed and a state or political subdivision thereof.

(9) "Prosecuting official" means the district attorney of the county in which the obligor is alleged to be present.

(10) "Governor" includes any person performing the functions of Governor or the executive authority of any territory covered by the provisions of this or a substantially similar reciprocal law.

(11) "Support order" means any judgment, decree, or order of support whether temporary or final, whether subject to modification, revocation, or remission regardless of the kind of action in which it is entered.

SEC. 2. Section 1693 is added to the Code of Civil Procedure, to read:

1693. When the Attorney General is satisfied that reciprocal provisions will be made by any foreign jurisdiction for the enforcement therein of maintenance orders made within this

state, the Attorney General may declare the foreign jurisdiction to be a reciprocating state for the purpose of this act. Any such declaration may be revoked by the Attorney General.

Any such declaration by the Attorney General may be reviewed by the court in an action brought pursuant to this title.

CHAPTER 1149

An act to amend Section 3150 of the Welfare and Institutions Code, relating to Narcotic Addict Evaluation Authority.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 3150 of the Welfare and Institutions Code is amended to read:

3150. (a) There is in the Youth and Adult Corrections Agency a Narcotic Addict Evaluation Authority, hereafter referred to in this article as the "authority." The authority shall be composed of four members, each of whom shall be appointed by the Governor, for a term of four years and until the appointment and qualification of his successor. Members shall be eligible for reappointment. The chairman of the authority shall be designated by the Governor from time to time. The terms of the members first appointed to the authority shall expire as follows: one on January 15, 1965, one on January 15, 1966, one on January 15, 1967, and one on January 15, 1968. Their successors shall hold office for terms of four years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term. Insofar as practicable, persons appointed to the authority shall have a broad background in law, sociology, law enforcement, medicine, or education, and shall have a deep interest in the rehabilitation of narcotic addicts.

(b) Each member of the authority shall devote such time to the duties of his office as required for performance of his duties and shall be entitled to an annual salary of nine thousand five hundred dollars ($9,500) for attendance upon business of the authority. The chairman shall be entitled to an annual salary of ten thousand dollars ($10,000). In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.

(c) The authority shall maintain its headquarters at the California Rehabilitation Center and shall be provided with necessary office space, equipment and services from funds appropriated to the California Rehabilitation Center.

(d) The authority shall meet at the center or its branches at such times as may be necessary for a full and complete

study of the cases of all patients who are certified by the Director of Corrections to the authority as having recovered from addiction or imminent danger of addiction to such an extent that release in an outpatient status is warranted. Other times and places of meetings may also be fixed by the authority. The authority may meet and transact business in panels. Each authority panel shall consist of at least two members of the authority. Two members of the authority shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by a majority of the members present.

(e) Members of other similar boards may be assigned to hear cases and make recommendations to the authority. Such recommendations shall be made in accordance with policies established by a majority of the total membership of the authority.

CHAPTER 1150

An act to amend Section 13592.1 of the Education Code and to amend Section 21162 of, and to repeal Sections 21159, 21160.5 and 21163 as added by Chapter 98 of the Statutes of 1968, of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 13592.1 of the Education Code is amended to read:

13592.1. Notwithstanding the provisions of subdivision (c) of Section 13592, a retired classified school employee may be employed by a school district, but only in accordance with the provisions of Section 21162 of the Government 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.

SEC. 2. Section 21159 of the Government Code is repealed.

SEC. 3. Section 21160.5 of the Government Code is repealed.

SEC. 4. Section 21162 of the Government Code is amended to read:

21162. A person retired under this part may be appointed by the appointing power of a state agency or any other employer, 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 a total for all employers of 60 working days in any calendar year and the rate of pay for such employment shall not be less than the

minimum nor exceed that paid by the employer to other employees performing comparable duties. 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. The exemption to Section 21150 contained in this section shall not apply to the return to service situations falling within the scope of Government Code Section 21153 through 21161.

SEC. 5. Section 21163 of the Government Code, as added by Chapter 98, Statutes of 1968, is repealed.

CHAPTER 1151

An act to amend Sections 28110, 73351, 73351.1, 73355, 73356, 73357, 73358, 73359, and 73360 of the Government Code, relating to salaries.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 28110 of the Government Code is amended to read:

28110. In a county of the 10th 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 two hundred dollars ($13,200) a year.

(b) The district attorney, twenty-seven thousand dollars ($27,000) a year. The district attorney shall not engage in the private practice of law and shall not, directly or indirectly, refer litigation to any attorney or receive and accept any payment from any attorney or firm of attorneys for his personal account.

(c) Each supervisor, thirteen thousand two hundred dollars ($13,200) a year for personal services performed by him as supervisor and member of the board of equalization. Each supervisor shall be allowed expenses necessarily incurred in the conduct of his office. He shall file an itemized statement, supported by receipts and vouchers, on the first day of each month, designating the actual expenditure on his part of such expenses for the preceding month. No allowance shall be made to him for such expenses unless they are itemized and designated in his claim.

(d) Grand jurors and trial jurors, six dollars ($6) a day and mileage for each attendance at the rate of ten cents ($0.10) for each mile actually traveled. Grand jurors shall also receive as compensation three dollars ($3) for each day's attendance as a member of any committee of the grand jury called by the

secretary or committee of the grand jury or committee chairman and mileage at ten cents ($0.10) for each mile actually traveled in attending such committee meeting.

No official of the county whose compensation is fixed by this section, other than the county auditor if he is also designated as county controller, shall receive any other compensation in any form in any other capacity from the county. The salaries and expenses provided are in full compensation for the services required of them by law, or by virtue of their offices, and all other fees, mileage, or other remuneration or compensation of any kind or character received by such officers for or by reason of any duty imposed by law on them or by virtue of their offices shall be paid by them into the county treasury at the times and in the manner required by law, except that until the county provides for them and makes available to their use such automobiles as are reasonably necessary to carry out the duties of their offices, they may retain for their own use and benefit such mileage as is allowed by law. In lieu of the mileage allowed members of the board of supervisors, each member shall be supplied by the county with an automobile for use in performance of official duties. All expenses for fuel, oil, supplies, upkeep, and maintenance of automobiles for members of the board of supervisors shall be paid from county funds.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 2. Section 73351 of the Government Code is amended to read:

73351. The following salary schedule shall apply to all persons employed by municipal courts in Contra Costa County:

Salary Schedule

Range No.	1	2	3	4	5
20	$376	$395	$415	$436	$458
21	385	405	425	447	469
22	395	415	436	458	481
23	405	425	447	469	493
24	415	436	458	481	505
25	425	447	469	493	517
26	436	458	481	505	530
27	447	469	493	517	543
28	458	481	505	530	556
29	469	493	517	543	570
30	481	505	530	556	584
31	493	517	543	570	598
32	505	530	556	584	613
33	517	543	570	598	628
34	530	556	584	613	644
35	543	570	598	628	660
36	556	584	613	644	676
37	570	598	628	660	693
38	584	613	644	676	710

Salary Schedule

Range No.	1	2	3	4	5
39	598	628	660	693	727
40	613	644	676	710	745
41	628	660	693	727	763
42	644	676	710	745	782
43	660	693	727	763	801
44	676	710	745	782	821
45	693	727	763	801	841
46	710	745	782	821	862
47	727	763	801	841	883
48	745	782	821	862	905
49	763	801	841	883	927
50	782	821	862	905	950
51	801	841	883	927	973
52	821	862	905	950	997
53	841	883	927	973	1,022
54	862	905	950	997	1,047
55	883	927	973	1,022	1,073
56	905	950	997	1,047	1,099
57	927	973	1,022	1,073	1,126
58	950	997	1,047	1,099	1,154
59	973	1,022	1,073	1,126	1,183
60	997	1,047	1,099	1,154	1,212
61	1,022	1,073	1,126	1,183	1,242

The above salary schedule is the same schedule utilized for employees of Contra Costa County.

Should the board of supervisors adopt a revised salary schedule for county employees the new schedule shall apply equally to municipal courts and marshals' offices and conversion to the new schedule shall be effected for employees of the municipal courts or marshals' offices in the same manner and on the same date as for county employees, but all such adjustments shall be effective only until 60 days after the adjournment of the next regular session of the Legislature.

SEC. 2. Section 73351.1 of the Government Code is amended to read:

73351.1. Classes of positions provided in Section 73351 are allocated to the salary schedule as follows:

(a) Deputy clerk I	Range 20
(b) Deputy clerk II	Range 25
(c) Deputy clerk III	Range 33
(d) Deputy clerk IV	Range 43
(e) Clerk of court I	Range 52
(f) Clerk of court II	Range 57
(g) Deputy marshal I	Range 43
(h) Deputy marshal II	Range 47
(i) Marshal I	Range 57
(j) Marshal II	Range 61

SEC. 3. Section 73355 of the Government Code is amended to read:

73355. In a municipal court district having three judges, the following positions are authorized:

(a) One (1) clerk of the court II

(b) Five (5) deputy clerks IV

(c) Two (2) deputy clerks III

(d) Eight (8) deputy clerks II or deputy clerks I, not to exceed a combined total of eight positions at any one time.

SEC. 4. Section 73356 of the Government Code is amended to read:

73356. In a municipal court district having three judges, the following positions are authorized:

(a) One (1) marshal II

(b) One (1) deputy marshal II

(c) Five (5) deputy marshals I

(d) One (1) deputy clerk III

(e) Two (2) deputy clerks II or deputy clerks I, not to exceed a combined total of two positions at any one time.

(f) Ten (10) deputies, who shall be custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this subdivision are not paid employees of the judicial district for purposes of obtaining civil service status or any other benefits of this article.

SEC. 5. Section 73357 of the Government Code is amended to read:

73357. In a municipal court district having two judges, the following positions are authorized:

(a) One (1) clerk of the court II

(b) Four (4) deputy clerks IV

(c) Three (3) deputy clerks III

(d) Eleven (11) deputy clerks II or deputy clerks I, not to exceed a combined total of 11 positions at any one time.

SEC. 6. Section 73358 of the Government Code is amended to read:

73358. In a municipal court district having two judges, the following positions are authorized:

(a) One (1) marshal II

(b) Four (4) deputy marshals I

(c) One (1) deputy clerk III

(d) Three (3) deputy clerks II or deputy clerks I, not to exceed a combined total of three positions at any one time.

(e) Ten (10) deputies, who serve as custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this subdivision are not salaried employees of the judicial district for purposes of

obtaining civil service status or any other benefits of this article.

SEC. 7. Section 73359 of the Government Code is amended to read:

73359. In a municipal court district having one judge, the following positions are authorized:

(a) One (1) clerk of the court I

(b) Two (2) deputy clerks IV

(c) Two (2) deputy clerks III

(d) Seven (7) deputy clerks II or deputy clerks I, not to exceed a combined total of seven positions at any one time.

SEC. 8. Section 73360 of the Government Code is amended to read:

73360. In a municipal court district having one judge, the following positions are authorized:

(a) One (1) marshal I

(b) Two (2) deputy marshals I

(c) Two (2) deputy clerks II or deputy clerks I, not to exceed a combined total of two positions at any one time.

(d) Ten (10) deputies who shall be custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this subdivision are not considered paid employees of the judicial district for purposes of obtaining civil service status or any other benefits of this article.

SEC. 9. Notwithstanding Sections 28110, 28160 and 53071 of the Government Code, the salary increase granted to the board of supervisors by the amendment of Section 28110 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 1152

An act to amend Sections 421 and 422 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 421 of the Revenue and Taxation Code is amended to read:

421. Open-space land is defined as land within an agricultural preserve created pursuant to the California Land Conservation Act of 1965 or land covered by a scenic easement deed or such other instrument or contract under which a city

or county has acquired an interest or right in land pursuant to Chapter 12 (commencing with Section 6950) of Division 7 of Title 1 of the Government Code.

SEC. 2. Section 422 of the Revenue and Taxation Code is amended to read:

422. Enforceable restriction to open-space land is specified as a contract or agreement authorized by the California Land Conservation Act or a scenic easement deed or other instrument authorized by the provisions of Chapter 12 (commencing with Section 6950) of Division 7 of Title 1 of the Government Code where the agreement, deed or other instrument taken as a whole, provides restrictions, terms, and conditions which are substantially similar or more restrictive than those required by statute for a contract. Under no circumstances shall a contract or agreement be an enforceable restriction for purposes of this article after notice of nonrenewal has been given by the property owner or where less than six years remain to the expiration of a contract or agreement after notice of nonrenewal has been given by a city or county and the property owner protests the nonrenewal. Under no circumstances shall a deed be an enforceable restriction for purposes of this article where less than six years remain to the expiration date of the deed.

CHAPTER 1153

An act to amend Section 1815.7 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 1815.7 of the Revenue and Taxation Code is amended to read:

1815.7. (a) The board in valuing land may consider sales information on land comparable to the land being valued only if the land sold meets all usual tests of comparability, including those in Section 402.1, and specifically if:

(1) The land sold is in the immediate vicinity of the land being valued, unless the use of the land is identical to that of the land being valued and no change in such use is predictable, and

(2) The land sold is under similar use, or in a use productive of a similar return, unless there is reason to believe that the land being valued has the capability and imminent opportunity of being put to a use similar in nature or productivity to the use of the land sold.

(b) At least five sales of land qualifying as comparable in subdivision (a) shall be required before the board may consider them to be representative of the value of the land being

valued. A lesser number of sales may be considered to be representative if two or more of the lands sold abut upon the land being valued.

(c) When representative sales information is not available and the land is valued by capitalizing its income, the income shall be predicated on estimated income which could be realized from the legally permitted use or uses of the land. In arriving at a value by capitalizing income, the capitalization rate shall be predicated on a rate of return which is based on allowances for risk, interest and property taxes, and shall not be derived from sales data from other lands. In arriving at a value by capitalizing income in those instances where the board's appraisers have proved to the board's satisfaction that the permitted use or uses will be changed in the predictable future, the income shall be predicated on estimated income which could be realized from such use or uses of the land and the capitalization rate shall be predicated on a rate of return which is based on allowances for risk, interest and property taxes, and shall not be derived from sales data from other lands.

(d) When representative sales information is available the following influences on the sales price shall be considered:

(1) The effects of the federal or state income, estate or gift taxes on the buyers and sellers that are not common to a large number of buyers or sellers.

(2) The conditions that occurred at the time of the sales that are not likely to repeat themselves.

(3) The methods of financing the sales.

CHAPTER 1154

An act to add Section 576.5 to the Welfare and Institutions Code, relating to minors.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 576.5 is added to the Welfare and Institutions Code, to read:

576.5. The board of supervisors may delegate to the county welfare department all or part of the duty of the probation officer concerning dependent children described in Section 600.

CHAPTER 1155

An act to amend Section 10352 of the Streets and Highways Code, relating to assessment changes under the Municipal Improvement Act of 1913.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 10352 of the Streets and Highways Code is amended to read:

10352. All changes shall be made on notice and hearing as herein provided, except changes may be made:

(a) At the hearing on the report, which:

(1) Reduce the total amount of the assessment or make no change in the total amount of the assessment and no increase or decrease in the amount of money assessed on each parcel of property included in the assessment; or

(2) Eliminate a portion of the work or provide a substitution therein without increasing the cost of any assessment by reason thereof or substantially affecting the distribution of benefits from the work; or

(3) Eliminate a portion of the assessment district without increasing the amount of any assessment by reason thereof or substantially affecting the distribution of benefits from the work; or

(4) Exclude territory which will not be benefited by the improvement without increasing the amount of any assessment by reason thereof; and

(b) At any time after the improvements are ordered and during the pendency of the proceedings, which:

(1) Do not increase the total amount of the assessment; or

(2) Provide for the elimination or addition of work or substitutions therein, though they result in an increase in some assessments, provided that the owners of the property affected request in writing that the changes in the work and in the assessments be made; or

(3) Exclude territory which will not be benefited by the improvement without increasing the amount of any assessment by reason thereof.

CHAPTER 1156

An act to add Section 1616 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 1616 is added to the Revenue and Taxation Code, to read:

1616. Where the county board changes the value on a parcel of real property there is a presumption, which may be rebutted, that the appraised value of such real property for the succeeding two assessment years is the value so determined by the county board. If the assessor or taxpayer wishes to rebut such presumption in such succeeding years, he shall give written notice of the proposed full cash value and assessed value to the other party and the matter shall automatically be placed before the county board unless such other party files a written statement with the board that he does not want to contest the matter and in that event the matter will not be placed before the county board. The burden of rebutting the presumption rests upon the party that did not prevail in the proceeding which gave rise to the presumption.

When any matter is placed before the county board pursuant to this section, the clerk shall notify the taxpayer of the time and place of hearing in the same manner as notice is given for application for changes of assessments. If the taxpayer or his agent does not appear or has not made timely request for continuance, the matter shall be heard by the county board and the assessor shall present his evidence in rebuttal of the presumption notwithstanding the failure of the taxpayer or his agent to appear or to request a continuance.

This section shall not apply to uncontested stipulations which are made pursuant to Section 1608 and accepted by the county board.

CHAPTER 1157

An act to add Section 21701.1 to the Education Code, relating to school district bonds and taxation.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 21701.1 is added to the Education Code, to read:

21701.1. If the governing board of any school district determines, or is required, to submit to the electors of the district the question whether bonds of the district shall be issued and sold for any of the purposes of subdivisions (a) to (f), inclusive, of Section 21701, the board may elect to submit to the electors of the district two propositions, one to authorize the issuance and sale of bonds of the district and one to authorize an increase in the maximum tax rate of the district to accomplish such purpose. The election shall be held and conducted in the manner provided in this chapter.

If, at the election, the requisite number of voters cast their ballots in favor of the issuance of bonds, the bonds shall be issued and sold in the manner provided by law, and the results

of the voting on the other proposition shall be disregarded. If the issuance of bonds is not authorized and the proposition to increase the maximum tax rate of the district receives the requisite number of votes, the governing board shall authorize the increase in tax rate for the purposes for which the election was called.

This section shall remain in effect until July 1, 1971, and after that date, shall have no force or effect.

CHAPTER 1158

An act to amend Section 12308 of the Financial Code, relating to the Check Sellers and Cashers Law.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 12308 of the Financial Code is amended to read:

12308. No person shall charge a fee for selling or cashing a check, draft, money order, or other commercial paper serving the same purpose, in excess of one-half of 1 percent of the face amount of said check, draft, money order or other commercial paper or fifty cents ($0.50), whichever is greater, unless the check, draft, money order or other commercial paper presented for cashing is drawn on a bank located outside of the state or, in a face amount in excess of one hundred dollars ($100), in which event the fee shall not exceed 1 percent of the face amount thereof.

CHAPTER 1159

An act to add Article 13 (commencing with Section 429.11) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to occupational health and occupational disease control.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Article 13 (commencing with Section 429.11) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

429.11. The State Department of Public Health shall maintain a program of occupational health and occupational disease prevention including, but not limited to, the following:

(a) Investigations into the causes of morbidity and mortality from work-induced diseases.

(b) Development of recommendations for improved control of work-induced diseases.

(c) Maintenance of a thorough knowledge of the effects of industrial chemicals and work practices on the health of California workers.

(d) Provision of technical assistance in matters of occupational disease prevention and control to the Department of Industrial Relations and other governmental and nongovernmental agencies, organizations, and private individuals.

(e) Collection and summarization of statistics describing the causes and prevalence of work-induced diseases in California.

429.12. In any situation where these activities may duplicate or overlap the activities of another state department or agency such as the Department of Industrial Relations or Division of Industrial Safety, the department shall avoid duplication.

CHAPTER 1160

An act to amend Section 4000.1 of the Vehicle Code, relating to registration of motor vehicles.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. 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) of Part 1 of Division 26 of said 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.

(c) The State Air Resources Board 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 (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. 2. 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. 3. Section 2 of this act shall become operative only if Assembly Bill No. 357 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 1 of this act is repealed.

CHAPTER 1161

An act to amend Section 28107 of the Government Code, relating to county supervisors.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 28107 of the Government Code is amended to read:

28107. In a county of the seventh 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 chairman of the board of supervisors, ten thousand five hundred dollars ($10,500), and each other supervisor, ten thousand dollars ($10,000) a year, and his necessary expenses when attending to the business of the county, other than the meetings of the board, and ten cents ($0.10) a mile in traveling to and from his residence to the county seat. Not more than one mileage claim at any one regular or special meeting of the board shall be allowed.

(b) For attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury, five dollars ($5); as a juror in the superior court, for each day's attendance, five dollars ($5). For each mile actually traveled in attending court as a juror, ten cents ($0.10); for attending meetings of the grand jury, committee meetings or investigations, necessary expenses and ten cents ($0.10) for each mile actually traveled. The grand jury may order members to act as committees thereof and to conduct investigations on its behalf.

The compensation provided by this section shall be payable to incumbent officers.

Supervisors serving as members of the local agency formation commission of the county shall be entitled to the per diem allowances and reimbursement of expenses authorized for such services pursuant to Section 54783 of this code. Supervisors serving as members of governing boards of special districts within the county shall be entitled to reimbursement of expenses authorized for duties performed for such districts pursuant to the principal acts of such special districts.

CHAPTER 1162

An act to amend Sections 73101, 73102, 73103, 73107, 73110, 73112, 73114, and 73115, to add Sections 73101.5, 73113, 73113.5, 73117, 73118, 73119, and 73120, and to repeal Sections 73108, and 73113 and Articles 10.5 (commencing with Section 73700), 16.5 (commencing with Section 73970), 18 (commencing with Section 74040), 23 (commencing with Section 74260), and 35.5 (commencing with Section 74918) of Chapter 10 of Title 8 of the Government Code, relating to municipal courts in San Bernardino County.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 73101 of the Government Code is amended to read:

73101. The San Bernardino County Municipal Court District shall consist of divisions embracing that territory which is within the following judicial districts in the County of San Bernardino on the effective date of this chapter as enacted at the 1967 Regular Session of the Legislature:

(a) East Division—that territory within the Redlands Judicial District.

(b) Central Division—that territory within the San Bernardino Judicial District.

(c) Valley Division—that territory within the Fontana and Rialto Judicial Districts.

(d) West Valley Division—that territory within the West Valley Municipal Court District.

(e) Desert Division—that territory within the Victor Judicial District.

SEC. 2. Section 73101.5 is added to the Government Code, to read:

73101.5. There shall be the following number of judges in the divisions of the San Bernardino County Municipal Court District: in the East Division, one; in the Central Division, four; in the Valley Division, one; in the West Valley Division, two until July 1, 1969, when there shall be three; and in the Desert Division, one.

SEC. 3. Section 73102 of the Government Code is amended to read:

73102. The Board of Supervisors of the County of San Bernardino may, by ordinance, create new divisions of the San Bernardino County Municipal Court District and may modify or enlarge the divisions created by this chapter. This provision shall not be construed to limit, or be limited by, existing provisions of law conferring authority upon the board of supervisors to revise judicial district boundaries or to consolidate judicial districts, provided that except for such changes in judicial district boundaries as may be mandated by

statute, no further annexation will be made to the San Bernardino County Municipal Court District except after public hearing before the board of supervisors.

SEC. 4. Section 73103 of the Government Code is amended to read:

73103. For purposes of qualification and election of judges, the "division" referred to in this chapter is and shall continue to be the "district" referred to in subdivision (b) of Section 16 of Article VI of the Constitution of the State of California.

SEC. 5. Section 73107 of the Government Code is amended to read:

73107. There shall be one municipal court coordinator of the San Bernardino County Municipal Court District who shall be appointed by a majority vote of the council of presiding judges from among the top three applicants certified to said council by the Civil Service Commission of the County of San Bernardino on the basis of a competitive examination. He shall receive a salary at a rate specified in range 67 of Section 73113.5. He shall be the appointing power for those positions listed in Section 73113.

SEC. 6. Section 73108 of the Government Code is repealed.

SEC. 7. Section 73110 of the Government Code is amended to read:

73110. There shall be one Marshal of the San Bernardino County Municipal Court District who shall be appointed by, and serve at the pleasure of, a majority of the council of presiding judges and who shall receive a salary at a rate specified in range 63 of Section 73113.5.

SEC. 8. Section 73112 of the Government Code is amended to read:

73112. Those individuals who held the positions of Marshal of the Redlands Judicial District, the San Bernardino Judicial District, the West Valley Municipal Court District and the Victor Judicial District and who were not selected marshal as provided in Section 73110, shall each succeed to the top subordinate position in the branch of the marshal's office in that division in which they formerly served, as such positions are classified in Section 73113. All such subordinate officers shall succeed to permanent status in their new positions without further examination, qualification or certification and without further probationary service. Any vacancies not filled by incumbents as provided in this section shall be filled in accordance with existing regulations governing appointments in the classified service in the County of San Bernardino. The marshal shall also be the appointing power for those positions listed in Section 73113 as being appointed by the marshal.

Notwithstanding the provisions of Section 31662.6 of this code, if an elective officer who has attained the age of 60 succeeds to a nonelective position pursuant to the provisions of this section, such person shall be retired on the second anniversary date of his succession to such nonelective position or on

the date following his 60th birthday which corresponds to the date his elective term would have expired in the absence of such succession to a nonelective position, whichever date is later.

SEC. 9. Section 73113 of the Government Code is repealed.

SEC. 10. Section 73113 is added to the Government Code, to read:

73113. The number of positions within each job classification which may be filled by appointment by the municipal court coordinator and the marshal for each division of the district, and the number of the salary range set forth in Section 73113.5 which constitutes the compensation for each job classification, are designated in the table below, in which the various divisions are designated by column headings from left to right in the same order that the divisions are named in Section 73101:

Job classification	Salary range	Authorized positions East	Central	Valley	West Valley	Desert
Appointed by the municipal court coordinator						
Clerk of the municipal court IV	61		1			
Clerk of the municipal court II	59				1	
Clerk of the municipal court I	57	1		1		1
Assistant clerk of the municipal court IV	53		1			
Assistant clerk of the municipal court II	47				1	
Assistant clerk of the municipal court I	45	1		1		1
Municipal court chief clerk	46		2			
Municipal court calendar clerk	46		1			
Municipal court clerk	42	1	5	1	2	1
Municipal court clerk assistant	38		1		1	
Principal clerk	37		1			
Senior fiscal assistant	39					
Senior stenographer clerk	36		1		1	
Fiscal assistant	35		1			
Senior clerk	34	1	4	1	3	4
Stenographer clerk	30		1			
Intermediate clerk	28	3	12	3	4	1
Clerk	24		3	1	2	

Job classification	Salary range	Authorized positions East	Central	Valley	West Valley	Desert
Appointed by the marshal						
Marshal's captain	58		1			
Marshal's lieutenant (Assistant marshal II)	54				1	
Marshal's sergeant (Assistant marshal I)	51	1	1	1	1	1
Marshal's clerical coordinator	42		1			
Deputy marshal	47	1	*7	2	4	2
Bailiff	40		*4			
Senior clerk	34					
Intermediate clerk	28	1	2	1/2	2	
Clerk	24				1	

* Not to exceed a combined total of 7 positions.

SEC. 11. Section 73113.5 is added to the Government Code, to read:

73113.5. The schedule of salary ranges referred to in this chapter is set forth in the following table. Stated salaries are approximate monthly salaries which are to be paid biweekly in accordance with the same provisions which govern payment of classified employees of the County of San Bernardino.

Basic Salary Schedule

Range No.	Salary steps A	1	B	2	C	3	D	4	E	Hourly rates 40	45
22	$351	$360	$369	$378	$387	$397	$407	$417	$427	$2.03	
23	360	369	378	387	397	407	417	427	438	2.08	
24	369	378	387	397	407	417	427	438	449	2.13	
25	378	387	397	407	417	427	438	449	460	2.18	
26	387	397	407	417	427	438	449	460	471	2.23	
27	397	407	417	427	438	449	460	471	483	2.29	
28	407	417	427	438	449	460	471	483	495	2.35	
29	417	427	438	449	460	471	483	495	507	2.41	
30	427	438	449	460	471	483	495	507	519	2.46	
31	438	449	460	471	483	495	507	519	532	2.53	
32	449	460	471	483	495	507	519	532	545	2.59	
33	460	471	483	495	507	519	532	545	559	2.65	
34	471	483	495	507	519	532	545	559	573	2.72	
35	483	495	507	519	532	545	559	573	587	2.79	$2.48
36	495	507	519	532	545	559	573	587	601	2.86	2.54
37	507	519	532	545	559	573	587	601	616	2.93	2.60
38	519	532	545	559	573	587	601	616	631	2.99	2.66
39	532	545	559	573	587	601	616	631	647	3.07	2.73
40	545	559	573	587	601	616	631	647	663	3.14	2.79
41	559	573	587	601	616	631	647	663	679	3.23	2.87
42	573	587	601	616	631	647	663	679	696	3.31	2.94
43	587	601	616	631	647	663	679	696	713	3.39	3.01
44	601	616	631	647	663	679	696	713	731	3.47	
45	616	631	647	663	679	696	713	731	749	3.55	

Basic Salary Schedule

Range No.	Salary steps A	1	B	2	C	3	D	4	E	Hourly rates 40	45
46	631	647	663	679	696	713	731	749	767	3.64	
47	647	663	679	696	713	731	749	767	786	3.73	
48	663	679	696	713	731	749	767	786	805	3.83	
49	679	696	713	731	749	767	786	805	825	3.92	
50	696	713	731	749	767	786	805	825	845	4.02	
51	713	731	749	767	786	805	825	845	866	4.11	
52	731	749	767	786	805	825	845	866	887	4.22	
53	749	767	786	805	825	845	866	887	909	4.32	
54	767	786	805	825	845	866	887	909	931	4.43	
55	786	805	825	845	866	887	909	931	954	4.54	
56	805	825	845	866	887	909	931	954	978	4.64	
57	825	845	866	887	909	931	954	978	1,002	4.76	
58	845	866	887	909	931	954	978	1,002	1,027	4.88	
59	866	887	909	931	954	978	1,002	1,027	1,052	5.00	
60	887	909	931	954	978	1,002	1,027	1,052	1,078	5.12	
61	909	931	954	978	1,002	1,027	1,052	1,078	1,105	5.24	
62	931	954	978	1,002	1,027	1,052	1,078	1,105	1,132	5.37	
63	954	978	1,002	1,027	1,052	1,078	1,105	1,132	1,160	5.50	
64	978	1,002	1,027	1,052	1,078	1,105	1,132	1,160	1,189	5.64	
65	1,002	1,027	1,052	1,078	1,105	1,132	1,160	1,189	1,218	5.78	
66	1,027	1,052	1,078	1,105	1,132	1,160	1,189	1,218	1,248	5.93	
67	1,052	1,078	1,105	1,132	1,160	1,189	1,218	1,248	1,279	6.07	
68	1,078	1,105	1,132	1,160	1,189	1,218	1,248	1,279	1,311	6.22	
69	1,105	1,132	1,160	1,189	1,218	1,248	1,279	1,311	1,343	6.38	
70	1,132	1,160	1,189	1,218	1,248	1,279	1,311	1,343	1,376	6.53	

The hiring salary for each position set forth shall be the salary in column A. A service period of 13 pay periods shall be required for a salary increase from column A to column B. An additional service period of 26 pay periods shall be required for a salary increase from column B to column C; 26 additional pay periods shall be required for a salary increase from column C to column D; and 26 additional pay periods shall be required for a salary increase from column D to column E.

Administration of the salary plan provided by this chapter, including the hiring date; increases within range; salary on promotion, transfer, or demotion; salary on position reclassification, and all other relevant matters, shall be in accordance with the current personnel rules and ordinances of the County of San Bernardino.

Notwithstanding any other provisions of law, the salary and classifications of municipal court employees provided by Sections 73107, 73110, 73113, and this section may be increased or decreased within the range limits set forth in this section in order to provide classification and compensation that is comparable to county employees of smilar qualifications and experience in the classified service of San Bernardino County as such comparability is determined by the civil service commission and the board of supervisors. Any salary increases granted or reclassifications made pursuant to this paragraph shall be effective only until the effective date of general legislation enacted by the Legislature at its next regular session following the date such salary increases are granted or reclassifications made.

SEC. 12. Section 73114 of the Government Code is amended to read:

73114. The Fontana Judicial District and the Rialto Judicial District in the County of San Bernardino are hereby consolidated into the San Bernardino County Municipal Court District as a division thereof with a municipal court and the justice courts functioning in the aforesaid judicial districts are abolished. Authorized officers and personnel, and the compensation therefor, shall be as set forth in Sections 73113 and 73113.5. Each officer and employee of the justice courts in the Fontana and Rialto Judicial Districts on the day preceding the effective date of this chapter shall be entitled to succeed to the position in the court of the division established by this section most nearly comparable to the position he held in the service of those justice courts. In the event there are more persons eligible to succeed to positions in the court established by this section than there are positions authorized for such court, the civil service commission shall determine who shall succeed to the authorized positions pursuant to current applicable rules and regulations.

SEC. 13. Section 73115 of the Government Code is amended to read:

73115. The officers and attachés provided for in this chapter shall be subject to the same or similar obligations and be granted the same or similar employee benefits as are now required or granted to employees of the County of San Bernardino.

Each officer, attaché, or employee of the existing municipal courts on the day preceding the effective date of this chapter as enacted at the 1967 Regular Session of the Legislature shall be entitled to succeed to the position in the court of the division established by this chapter comparable to the position then held. In no event shall the salary of any such officer, attaché, or employee be less than his salary on the day preceding the effective date of this chapter except such reductions as may be made pursuant to applicable rules, regulations, and ordinances of the civil service commission and the board of supervisors.

Any person holding an elective office on the day prior to the effective date of this chapter as enacted at the 1967 Regular Session of the Legislature who succeeds to a position in the municipal court established by this chapter shall succeed to permanent status in his new position under personnel rules and regulations without further examination, qualification or certification and without further probationary service.

Any person succeeding to a position in the municipal court established by this chapter who has attained permanent status under the personnel rules and regulations governing his former position, shall succeed to permanent status in his new position without further examination, qualification, or certification and without further probationary service. Any such person who has not attained permanent status in such former position shall be required to complete the probationary period applicable to the position to which he succeeds; provided, however, that service in such former position shall be counted toward completion of the probationary period. Each person succeeding to a new position pursuant to the provisions of this chapter shall retain employee benefits to which he is entitled on the day prior to the effective date of this chapter.

In the event the board of supervisors creates any new divisions or modifies any divisions established hereby pursuant to the provisions of Section 73102, the number, classification, and compensation of additional municipal court personnel necessitated thereby shall be governed by the provisions of Article 3 (commencing with Section 71080) of Chapter 6 and Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 of this code.

SEC. 14. Section 73117 is added to the Government Code, to read:

73117. Official reporters in the Municipal Court of the San Bernardino County Municipal Court District appointed pursuant to Section 72194 shall be attachés of such court and in lieu of any other compensation provided by law for services in

reporting testimony and proceedings in such court shall receive a salary in the same sum monthly or per diem as is paid the official reporters of the Superior Court of the County of San Bernardino, which shall be charged against the general fund of the county. Official reporters of the courts of the San Bernardino County Municipal Court District, other than official reporters pro tempore, shall be entitled to the same sick leave benefits as classified employees of the County of San Bernardino, and shall be subject to the same regulations governing the accrual and use of such benefits as apply to county employees, to the extent that Section 5 of Article VI of the California Constitution is not violated.

SEC. 15. Section 73118 is added to the Government Code, to read:

73118. In any civil action or proceedings, in addition to the fees required by Article 2 (commencing with Section 72050) of Chapter 8 of this title, a fee of ten dollars ($10) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceedings, in the following instances:

(a) Upon the filing of a complaint or other first paper;

(b) Upon the filing of an answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff;

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or a special proceeding.

The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 (commencing with Section 72050) of Chapter 8 of this title.

SEC. 16. Section 73119 is added to the Government Code, to read:

73119. Fees for transcription of testimony and proceedings in the court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

SEC. 17. Section 73120 is added to the Government Code, to read:

73120. Official reporters of the court shall be members of any retirement system maintained by the county in which they are employed. For the purposes of such retirement system, the salary provided for such reporters in this article shall be deemed their entire compensation.

SEC. 18. Article 10.5 (commencing with Section 73700) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 19. Article 16.5 (commencing with Section 73970) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 20. Article 18 (commencing with Section 74040) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 21. Article 23 (commencing with Section 74260) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 22. Article 35.5 (commencing with Section 74918) of Chapter 10 of Title 8 of the Government Code is repealed.

CHAPTER 1163

An act to add Section 7.1-1 to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), relating to election of directors, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 7.1-1 is added to the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to read:

Sec. 7.1-1. Notwithstanding any other provisions of this act to the contrary, if by 5 p.m. on the 75th day prior to the day fixed for the agency election only one person has been nominated for any office of director to be filled at that election, or no one has been nominated for such office, and if a petition has not been presented to the board signed by 5 percent of the voters in the division eligible to vote for such office requesting that the agency election be held in such division, the board shall, at a regular or special meeting held prior to the day fixed for the election, appoint to such office the person, if any, who has been nominated and no election shall be held for such office. If no person has been nominated for any such office, the board 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 an agency election for such office.

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:

Only one person has been nominated for each office to be filled at the November 5, 1968, agency election. If the Kern County Water Agency is to avoid the unnecessary expense of such election it is imperative that this act go into effect immediately.

CHAPTER 1164

An act to amend Sections 1460, 1475, 1476, 1477, 1478, 1479, 1482, 1483, 1484, and 1485 of, and to repeal Sections 1480, 1481, and 1486 of, the Labor Code, relating to housing and community development.

[Approved by Governor August 8, 1968. Filed with Secretary of State August 8, 1968.]

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

SECTION 1. Section 1460 of the Labor Code is amended to read:

1460. As used in this part, "department" means the Department of Housing and Community Development.

SEC. 2. Section 1475 of the Labor Code is amended to read:

1475. The department and its agents, in carrying out the provisions of this part, may enter and inspect houses, buildings, and dwelling places to secure compliance with state and local housing and building laws and ordinances and to prevent violation thereof.

SEC. 3. Section 1476 of the Labor Code is amended to read:

1476. The department may examine the records of the various city, city and county, or county departments charged with the enforcement of building regulations and may examine the records of the various housing authorities and redevelopment agencies, and secure from them reports and copies of their records at any time.

SEC. 4. Section 1477 of the Labor Code is amended to read:

1477. The department may:

(a) Make investigations of housing and community development in California.

(b) Investigate and report upon defective housing and the problems resulting therefrom and the work being done to remedy such conditions.

(c) Study the operation and enforcement of housing, building, zoning, and subdivision laws and regulations, of housing finance, taxes, redevelopment programs and public housing projects, as related to housing and community development.

(d) Promote the formation of organizations intended to increase the supply of adequate housing and the proper living environment for all the people of the state.

SEC. 5. Section 1478 of the Labor Code is amended to read:

1478. Every city, city and county, or county, and every redevelopment agency and housing authority, shall file on the first day of October of each year with the department a complete report of its transactions and recommendations during the previous fiscal year, with recommendations for needed legislation to carry on properly a program of housing and community development in California; provided that the department may contract for the receipt, collection, or compila-

tion of such reports by another state agency, department, or office.

SEC. 6. Section 1479 of the Labor Code is amended to read:

1479. The department may call conferences of representatives of all levels of government, industry, and private groups, to discuss housing and community development problems of California.

SEC. 7. Section 1480 of the Labor Code is repealed.

SEC. 8. Section 1481 of the Labor Code is repealed.

SEC. 9. Section 1482 of the Labor Code is amended to read:

1482. All officials, state, county and municipal, shall supply, when required by the department, information and references to records which will enable the department to administer the provisions of this part.

SEC. 10. Section 1483 of the Labor Code is amended to read:

1483. The department may gather evidence for the purpose of instituting prosecutions by the proper authorities against persons, violating the laws of any municipality, county, the state, or of the United States concerning any of the matters covered in this part.

SEC. 11. Section 1484 of the Labor Code is amended to read:

1484. Subject to the provisions of this part, the department may hold hearings for the purpose of investigation or inquiry, and for the purpose of reaching an amicable settlement of controversies.

SEC. 12. Section 1485 of the Labor Code is amended to read:

1485 The department and such person as may be designated in writing by it may subpoena witnesses to appear at such hearings and administer oaths.

SEC. 13. Section 1486 of the Labor Code is repealed.

CHAPTER 1165

An act to amend Section 21200 of the Financial Code, relating to pawnbrokers.

[Approved by Governor August 9, 1968. Filed with Secretary of State August 9, 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 not exceeding seventy-five cents ($0.75) a month on any loan not exceeding nine dollars and ninety-nine cents ($9.99).

(f) A charge 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 1166

An act to amend Sections 6758, 17667, 17672, 17704, 17801, 17851, 17924, 17925, 18056.1, 18058.1, and 18061 of the Education Code, and to amend Section 19270 of the Education Code, as proposed by Senate Bill No. 705, relating to financial support of the public schools.

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

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

SECTION 1. Section 6758 of the Education Code is amended to read:

6758. The testing or screening of all pupils in a particular grade, school or district, shall not be a condition of eligibility for apportionment under the provisions of Section 18102. In the event the governing board of a school district elects to do such testing or screening, only such tests or screening procedures as are approved by the State Board of Education for this purpose shall be used. School districts intending to do such testing or screening shall give written notice to the parents or guardians of the pupils concerned at least 15 days prior to such testing or screening and shall provide copies of any written instruments to be used for such testing or screening in the office of the principal of the school the pupils attend for examination by such parents or guardians. No minor shall be required to participate in such screening or testing unless the parent or guardian files prior written consent to such participation with the governing board of such school district.

SEC. 3. Section 17667 of the Education Code is amended to read:

17667. Each computation required by this article (commencing at Section 17651) for high school and junior college districts shall be made after excluding from the average daily attendance for the fiscal year the average daily attendance of adults, as adults are defined in Section 5756, and the average daily attendance in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults during the fiscal year.

SEC. 4. Section 17672 of the Education Code is amended to read:

17672. The increase in foundation programs prescribed by this article shall be provided for each school district which, in organizational characteristics, meets all of the following standards during the fiscal year, as determined by the State Board of Education and certified to the Superintendent of Public Instruction:

(a) The district is unified, maintaining and supporting schools providing instruction in grades kindergarten or 1 through 12, inclusive, or is an elementary school district or a high school district included as a part of a unified school district formed by approval of the electors at an election held between January 1st and June 30th of the preceding fiscal year.

(b) The unified school district has a total average daily attendance during the fiscal year in grades kindergarten or 1 through 12, inclusive, of no less than 2,000 as projected to June 30, 1968, pursuant to rules and regulations of the State Board of Education, excluding for such purposes the average daily attendance of adults as adults are defined in Section 5756, and the average daily attendance in special day and evening classes and summer schools.

SEC. 5. Section 17704 of the Education Code is amended to read:

17704. When the total tax revenues realized in respect to any school district from the levy of district taxes for any fiscal year are less than would have been realized from the total assessed value of property in the district because of allocations of tax receipts to a redevelopment agency pursuant to Article 6 (commencing at Section 33670) of Chapter 6 of Division 24 of the Health and Safety Code, the governing board of a school district may request the Superintendent of Public Instruction to compute district aid for the district under this section. Upon receipt of such a request, the Superintendent of Public Instruction shall, in computing district aid, reduce the amount of the total assessed valuation in the district as shown by the equalized assessment roll for the year by the amount of such assessed valuation upon which such tax receipts for such fiscal year are to be allocated to the redevelopment agency.

SEC. 6. Section 17801 of the Education Code is amended to read:

17801. The Superintendent of Public Instruction shall allow to each high school district one hundred twenty-five dollars ($125) for each unit of average daily attendance in the district during the fiscal year as computed under Sections 11403, 11452, and 11501, subject to the provisions of Section 17610, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any high school district, to be known as basic state aid.

The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the average daily attendance during the fiscal year of adults, as adults are defined in Section 5756, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 7. Section 17851 of the Education Code is amended to read:

17851. The Superintendent of Public Instruction shall allow to each junior college district one hundred twenty-five dollars ($125) for each unit of average daily attendance in grades 13 and 14.

Beginning with the fiscal year 1960–1961, average daily attendance for the purpose of this section shall be computed under Sections 11451 and 11501, subject to the provisions of Sections 17611 and 17666.2.

The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the average daily attendance of adults, as adults are defined in Section 5756, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 8. Section 17924 of the Education Code is amended to read:

17924. For each elementary school district, the Superintendent of Public Instruction shall determine a supplementary amount, in excess of the foundation program, for each unit of average daily attendance, exclusive of the average daily attendance in special day and evening classes, summer schools, and special programs or classes for minors defined by Sections 6750, 6801, 6902, and 6903, equal to one dollar ($1) for each cent of the applicable tax rate pursuant to Section 17921. In no case shall the supplementary amount per unit of average daily attendance under this section be in excess of sixty dollars ($60).

Notwithstanding any provision of this article to the contrary, the Superintendent of Public Instruction shall apportion the supplemental support funds allowed by this section to an elementary school district which is not eligible for the increase in foundation program prescribed by Section 17676 only if that district levies, for the fiscal year, a general fund tax rate sufficiently in excess of one dollar and sixty cents

($1.60) on each one hundred dollars ($100) of assessed valuation of property in the district to raise an amount in the district equivalent to the product of twenty dollars ($20) multiplied by the total of the units of average daily attendance in the district, and provided further that the district meets the other requirements of this article.

SEC. 9. Section 17925 of the Education Code is amended to read:

17925. For each high school district, the Superintendent of Public Instruction shall determine a supplementary amount, in excess of the foundation program, for each unit of average daily attendance, exclusive of the average daily attendance of summer school, adults, as adults are defined in Section 5756, and special programs or classes for minors defined by Sections 6750, 6801, 6902, and 6903, equal to two dollars ($2) for each cent of the applicable tax rate pursuant to Section 17922. In no case shall the supplementary amount per unit of average daily attendance under this section be in excess of forty dollars ($40).

Notwithstanding any provision of this article to the contrary, the Superintendent of Public Instruction shall apportion the supplemental support funds allowed by this section to a high school district which is not eligible for the increase in foundation program prescribed by Section 17676 only if that district levies, for the 1966–1967 fiscal year, a general fund tax rate sufficiently in excess of one dollar ($1) on each one hundred dollars ($100) of assessed valuation of property in the district to raise an amount in the district equivalent to the product of twenty dollars ($20) multiplied by the total units of average daily attendance in the district, exclusive of the average daily attendance of adults as adults are defined by Section 5756, and provided further that the district meets the other requirements of this article.

SEC. 10. 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. 11. 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 of 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. 12. Section 18061 of the Education Code is amended to read:

18061. (a) In the event that the total amount which may be allowed under Section 18051 during any fiscal year is less than the total allowances computed under Sections 18055, 18056, 18056.1, 18057, 18058, and 18058.1, the amount allowed shall be successively recomputed by adding one-tenth of one cent ($0.001) to the lower tax rates provided for in Sections 18055, 18056, and 18057, respectively, until there is no deficit. Any balance remaining shall be allowed pursuant to Section 18460.

(b) In the event the total amount which may be allowed under Section 18051 during any fiscal year is more than the total allowances computed under Sections 18055, 18056, 18056.1, 18057, 18058, and 18058.1, the balance shall be allowed pursuant to Section 18460.

SEC. 13. Section 1927 of the Education Code, as proposed by Senate Bill No. 705, is amended to read:

19270. Each district to which an apportionment or apportionments has been made under this chapter shall repay a portion or all of the principal amount of such apportionment or apportionments and the accrued interest thereon in 30 equal annual payments, as shall be determined by the State Controller pursuant to this section. If more than one apportionment is made the annual amount payable shall be the sum of the amounts which would be payable on each apportionment if computed separately.

The State Controller shall determine the portion of the principal amount of the apportionment or apportionments made to each district to be repaid by the district by diminishing such principal amount by the product of the ratio which the assessed valuation of the district per unit of average daily attendance of pupils in the grades maintained by the district during the preceding fiscal year bears to the assessed valuation

per unit of such average daily attendance in the same type of districts in the state and one-half of the principal amount of the apportionment or apportionments, except that the amount to be repaid shall not exceed the amount of the principal apportionment or apportionments.

The State Controller shall make the computation to determine the annual repayment due in the next fiscal year following the fiscal year in which the apportionment is made. In any year in which the annual repayment exceeds the amount which may be raised by a three-cent ($0.03) tax rate per one hundred dollars ($100) of assessed valuation in the district, the governing board of the school district shall so certify to the State Controller whereupon the State Controller shall grant a deferment of the annual repayment which is in excess of the amount that would be produced by a tax rate of three cents ($0.03) per one hundred dollars ($100) of assessed valuation of the district. The amount deferred shall be added to the annual repayment for the next succeeding fiscal year.

SEC. 14. Section 13 of this act shall be operative only if Senate Bill No. 705 of the 1968 Regular Session is enacted, in which event it shall become operative at the same time as Chapter 6 (commencing with Section 19250) of Division 14 added to the Education Code by Senate Bill No. 705.

CHAPTER 1167

An act to amend Section 3 of Chapter 1797 of the Statutes of 1963, relating to the revision of the Penal Code.

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

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

SECTION 1. Section 3 of Chapter 1797 of the Statutes of 1963 is amended to read:

Sec. 3. (a) For the purposes of this act the members of the committee constitute a joint legislative investigating committee on the subject of this act and as such have the powers and duties conferred and imposed upon such committees by the Joint Rules of the Senate and Assembly.

(b) The committee may, subject to any applicable rules, employ, fix the compensation of, and remove, a project director, secretary, counsel, consultants and such other personnel as it may deem necessary for the performance of its functions.

(c) The committee shall appoint an advisory board. The advisory board shall consist of the following persons:

(1) The project director for the committee;

(2) A representative to be designated by the Attorney General;

(3) Two district attorneys;

(4) Two lawyers wholly or substantially engaged in the practice of criminal law in the courts of the State of California;

(5) A professor or instructor in law who is also a member of the California State Bar;

(6) A representative of the Board of Corrections; and

(7) The committee shall request the Judicial Council to designate two superior court judges and two municipal court judges to serve on the advisory board.

Members of the advisory board or boards (other than the project director) shall receive no compensation, but all members may be reimbursed for their actual necessary expenses incurred in the performance of their duties.

(d) The Legislative Counsel or deputy designated by him shall attend meetings of the committee and shall provide advice and assistance.

(e) The committee may request the California Law Revision Commission to prepare research studies and recommendations relating to specific portions of the committee's assignment under Section 2. To the extent that funds are available to the commission, the commission shall prepare such research studies and recommendations and shall submit them to the committee. The committee may take such action with respect to the recommendations as it considers appropriate.

(f) The committee may contract for services as necessary or convenient to the performance of its duties.

CHAPTER 1168

An act to amend Sections 7604 and 7700 of, and to add Sections 8553 and 8576 to, the Education Code, relating to educational courses of study.

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

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

SECTION 1. Section 7604 of the Education Code is amended to read:

7604. The course of study in the elementary schools shall include instruction in the following prescribed branches in the several grades in which each is required pursuant to this article (commencing at Section 7601):

(a) Beginning in grade 1, and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

(1) Reading.

(2) Writing.

(3) Spelling.

(4) Arithmetic, with emphasis on basic principles and techniques.

(5) Health. 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.

(b) Beginning not later than grade 4 and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

(1) English as a separate subject with emphasis on thoroughness, and as a discipline separate from the subject of social studies.

(2) Geography.

(3) History, including the early history of California, the contribution of the American Indians, the influence and culture of Mexico in the economic, political, and social development of California, and the history of the United States.

(c) Beginning not later than grade 6, and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

(1) Civics.

(2) A foreign language or languages.

(3) Natural science.

(d) The course of study in the elementary schools shall include instruction, in the grade or grades prescribed by the board of education of the city, county, or city and county, in all of the following:

(1) Art.

(2) Music.

(e) Such other studies, not to exceed three, as may be prescribed by the board of education of the city, county, or city and county.

Notwithstanding other provisions of this section to the contrary, a foreign language or languages may but is not required to be included in the course of study in the elementary schools until June 30, 1965, and on and after July 1, 1965, such course of study shall include a foreign language or languages beginning not later than grade 6 and continuing through grade 6 or 8, as the case may be.

Notwithstanding specification of a particular foreign language in a course of study adopted by a county board of education for elementary schools of the county pursuant to Section 654, the governing board of any such school may provide instruction in one or more other foreign languages in substitution of or in addition to the language specified by the county board.

The State Board of Education shall, on or before July 1, 1964, adopt necessary rules and regulations establishing criteria to be used as the basis for exclusion or exemption of pupils from foreign language instruction; and, in accordance with these rules, regulations and criteria, school district gov-

erning boards may exempt or exclude pupils from foreign language instruction. Except as elsewhere provided in this code, the rules, regulations, and criteria adopted by the State Board of Education, under this section, shall limit exemption or exclusion of pupils to those included in the following categories:

(1) Those who are mentally retarded as defined by Sections 6902 and 6903 of this code.

(2) Those whose native tongue is a foreign language and who are not proficient in the English language.

(3) Those having a high priority need for remedial reading.

(4) Those who have been found to be unable to benefit by such instruction.

(5) Those who are enrolled in private courses of foreign language instruction which are at least equivalent to the courses in foreign language given in the public schools.

The Legislature here declares that it is the policy of the state to foster and encourage foreign language programs in the elementary and secondary schools by which the children of this state learn to speak and write foreign languages with facility in order that they be adequately prepared to undertake their duties as American citizens in a world in which the ability to communicate with peoples of other countries is of ever-increasing importance.

The study of the role and contributions of American Negroes, American Indians, Mexicans, and other ethnic groups in the history of this country and this state shall be an integrated part of the required courses in the history of the United States and California.

SEC. 2. Section 7700 of the Education Code is amended to read:

7700. The course of study for grades 7 and 8 of each elementary school, and for each junior high school, high school, or grades 11 and 12 of a four-year junior college shall be prepared under the direction of the governing board having control thereof and shall be subject to the approval of the State Board of Education. The course of study shall meet the requirements of this section. In addition, the course of study for grades 7 and 8 of a junior high school shall meet the requirements for instruction in a foreign language or languages prescribed by Section 7604 for grades 7 and 8 of an elementary school. In addition to courses otherwise required by law, the course of study shall require of all pupils in grades 7 to 12, inclusive:

(a) Five years of instruction in the use of English, designed to teach the student to read rapidly and perceptively, to write clearly and correctly, and to present ideas orally. Such instruction shall include the principles of grammar and punctuation as instruments of reading and writing. Also a core of reading designed to familiarize the student with the variety of literary forms and to improve his reading ability shall be taught.

(b) Five years of history commencing with grade 7, to include all of the following:

(1) Twenty semester periods of American history emphasizing American institutions and ideals, and California history, including the contribution of the American Indians and the influence and culture of Mexico in the economic, political, and social development of California.

(2) Twenty semester periods of world history, the history of Western civilization, and world geography.

(3) Ten semester periods of American government emphasizing principles of the Constitution and the Declaration of Independence, and the principles of state and local government under the Constitution of this state.

For purposes of the history requirements prescribed by subdivision (b), in the case of schools which are not operated on the basis of semester periods, the time devoted to the respective courses shall be, as nearly as practicable, the equivalent of the required time as measured in terms of semester periods, and the State Board of Education shall, by regulation, prescribe the manner in which time during the school year shall be allocated for such purposes in those schools.

The courses in history prescribed by subdivision (b) shall include a study of the role and contributions of American Negroes, American Indians, Mexicans, and other ethnic groups in the history of this country and this state.

SEC. 3. Section 8553 is added to the Education Code, to read:

8553. Instruction in social sciences shall include the early history of California and a study of the role and contributions of American Negroes, American Indians, Mexicans, and other ethnic groups to the economic, political, and social development of California and the United States of America.

SEC. 4. Section 8576 is added to the Education Code, to read:

8576. Instruction in social sciences shall include the early history of California and a study of the role and contributions of American Negroes, American Indians, Mexicans, and other ethnic groups to the economic, political, and social development of California and the United States of America.

SEC. 5. Sections 3 and 4 of this act shall become effective 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 7604 and 7700 of the Education Code as amended by Sections 1 and 2 of this act are repealed.

CHAPTER 1169

An act to add Section 42274 to the Vehicle Code, and to authorize the transfer of funds from the Motor Vehicle Fund to the General Fund.

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

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

SECTION 1. Section 42274 is added to the Vehicle Code, to read:

42274. Should the amount of funds retained in the Motor Vehicle Fund by the Controller pursuant to Section 42273 prove to be insufficient to pay incurred costs against an appropriation from said fund, the Controller shall redetermine the retention required and may, after at least 15 days' prior notice to the Department of Public Works, transfer back from time to time sufficient funds from the State Highway Fund to the Motor Vehicle Fund as are necessary to meet such retention requirements.

SEC 2. Notwithstanding any other provisions of law, on July 1, 1968, there shall be transferred from the Motor Vehicle Fund to the General Fund any amounts necessary to repay the balance of the principal and accrued interest due (a) on that investment made with the Department of the California Highway Patrol pursuant to Chapter 11 of the Statutes of 1951, (b) on that investment made for the purposes of the Department of the California Highway Patrol pursuant to Chapter 1597 of the Statutes of 1951, and (c) on that investment made with the Department of Motor Vehicles pursuant to Chapter 12 of the Statutes of 1951.

CHAPTER 1170

An act to add Article 3.5 (commencing with Section 5260) to Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, relating to mental health.

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

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

SECTION 1. Article 3.5 (commencing with Section 5260) is added to Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, to read:

Article 3.5. Additional Intensive Treatment of Suicidal Persons

5260. At the expiration of the 14-day period of intensive treatment any person who, during the 14-day period or the

72-hour evaluation period, threatened or attempted to take his own life or who was detained for evaluation and treatment because he threatened or attempted to take his own life and who continues to present an imminent threat of taking his own life may be confined for further intensive treatment pursuant to this article for an additional period not to exceed 14 days.

Such further intensive treatment may occur only under the following conditions:

(a) The professional staff of the agency or facility providing intensive treatment services has analyzed the person's condition and has found that the person presents an imminent threat of taking his own life.

(b) The person has been advised of, but has not accepted, voluntary treatment.

(c) The facility providing additional intensive treatment is equipped and staffed to provide treatment, is designated by the county to provide such intensive treatment, and agrees to admit the person.

(d) The person has threatened or attempted to take his own life during the 14-day period of intensive treatment or the 72-hour evaluation period or was detained for evaluation and treatment because he threatened or attempted to take his own life.

5261. For a person to be certified under this article, a notice of certification must be signed by the professional person in charge of the agency or facility providing evaluation services and a physician, if possible a board-qualified psychiatrist, who participated in the evaluation.

If the professional person in charge is the physician who performed the medical evaluation, the second person to sign may be another physician unless one is not available, in which case, a psychologist, a social worker, or a registered nurse who participated in the evaluation shall sign the notice of certification.

5262. A notice of certification for imminently suicidal persons is required for all involuntary 14-day intensive treatment, pursuant to this article, and shall be in substantially the following form:

To the Superior Court of the State of California
for the County of _____

The authorized agency providing 14-day intensive treatment, County of _____, has custody of: _____

Name _____
Address _____
Age _____
Sex _____
Marital status _____
Religious affiliation _____

The undersigned allege that the above-named person presents an imminent threat of taking his own life.

This allegation is based upon the following facts:

This allegation is supported by the accompanying affidavits signed by _____.

The above-named person has been informed of this allegation and has been advised of, but has not been able or willing to accept referral to, the following services:

We, therefore, certify the above-named person to receive additional intensive treatment for no more than 14 days beginning this __ day of _____, 19__, in the intensive treatment facility herein named _____.
(Month)

We hereby state that a copy of this notice has been delivered this day to the above-named person and that he has been clearly advised of his continuing legal right to a judicial review by habeas corpus, and this term has been explained to him.

_____
(Date)
Signed _____
Countersigned _____
Representing intensive treatment facility

5263. Copies of the notice of certification for imminently suicidal persons, as set forth in Section 5262, shall be filed with the court and personally delivered to the person certified. A copy shall also be sent to the person's attorney, to the district attorney, to the public defender, if any, to the facility providing intensive treatment, and to the State Department of Mental Hygiene.

The person certified shall also be asked to designate any person whom he wishes informed regarding his certification. If he is incapable of making such a designation at the time of certification, he shall be asked to designate such person as soon as he is capable.

5264. Certification for imminently suicidal persons shall be for no more than 14 days of intensive treatment, and shall terminate as soon as, in the opinion of the professional person in charge of the facility providing intensive treatment or his designee, the individual has improved sufficiently for him to leave, or is prepared to accept voluntary treatment on referral or to remain in the facility providing intensive treatment on a voluntary basis.

Except as otherwise indicated in the conservatorship provisions of Chapter 4 (commencing with Section 5350) of this part, or in the provisions of Article 6 (commencing with Sec-

tion 5300) of this chapter, a facility providing additional intensive treatment must release all involuntary patients at the end of the 14-day period who do not agree to receive further treatment on a voluntary basis.

5265. Any individual who is knowingly and willfully responsible for detaining a person for more than 14 days in violation of the provisions of Section 5264 is liable to that person in civil damages.

5266. Whenever a county designates two or more facilities to provide intensive treatment and the person to be treated, his family, conservator or guardian expresses a preference for one such facility, the professional person certifying the person to be treated shall attempt, if administratively possible, to comply with the preference.

5267. Neither the professional person in charge of the facility providing intensive treatment, nor his designee, shall be held civilly or criminally liable for any action by a person released at or before the end of 14 days pursuant to this article.

5268. Nothing in this article shall prohibit the professional person in charge of an intensive treatment facility, or his designee, from permitting a person certified for intensive treatment to leave the facility for short periods during the person's involuntary intensive treatment.

SEC. 2. This act shall become operative on the same date that Section 36.5 of Chapter 1667 of the Statutes of 1967 becomes operative.

CHAPTER 1171

An act to add Section 6257 to the Education Code, relating to vocational education, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 6257 is added to the Education Code, to read:

6257. The Department of Education shall develop and implement an experimental pilot summer vocational education program which shall include both exploratory occupational education and an opportunity for paid employment. In each school district in which such program is implemented, there shall be local advisory committees in vocational education consisting of representatives of the segments of labor, business, commerce, industry, and government that actually employ students from the program.

Such committees shall meet at regularly scheduled meetings each month during the school year.

On or before the fifth legislative day of the 1969 Regular Session of the Legislature, the department shall submit to

the Legislature a comprehensive report on all phases of the experimental program provided for in 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 for the experimental program established in this act to be developed and implemented for the summer months of 1968, it is necessary that this act take effect immediately.

CHAPTER 1172

An act to amend Section 188.8 of the Streets and Highways Code, and to add Section 42274 to the Vehicle Code, relating to streets and highways.

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

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

SECTION 1. Section 188.8 of the Streets and Highways Code is amended to read:

188.8. Out of the money expended pursuant to Section 188, the commission shall allocate and the department shall expend or cause to be expended in each state highway district of County Group No. 1 and in each state highway district of County Group No. 2 during the period commencing July 1, 1963, and ending June 30, 1967, and for each period of four years thereafter, not less than an amount computed as follows:

(a) The commission shall compute for each period of four years an amount equal to 70 percent of the moneys to be expended in County Groups No. 1 and No. 2, respectively, as provided in Section 188.

(b) From the amount computed for County Group No. 1 in subdivision (a) for the period ending June 30, 1967, the commission shall determine the minimum expenditure for each highway district specified in this subdivision by applying the following percentages of said amount:

District I	10.636
District II	6.620
District III	16.001
District IV	47.609
District X	10.210
The portion of District V in County Group 1	3.313
The portion of District VI in County Group 1	5.611

(c) From the amount computed for County Group No. 2 in subdivision (a) for the period ending June 30, 1967, the commission shall determine the minimum expenditure for each highway district specified in this subdivision by applying the following percentages of said amount:

District VII	63.278
District VIII	10.932
District IX	2.025
District XI	16.482
That portion of District V in County Group 2	3.587
That portion of District VI in County Group 2	3.696

For purposes of this section, state highway districts shall be those established by the department for administrative purposes as of June 30, 1960.

For each four-year period subsequent to June 30, 1967 a percentage for each state highway district as listed in subdivisions (b) and (c) shall be computed on the basis of an estimate of state highway construction needs for a 10-year period less estimates for construction expenditures budgeted prior to the commencement of the period. The revised percentages shall be used in computing minimum expenditures for each district. The first such estimate of state highway construction needs shall be filed with the Legislature at the 1965 Regular Session and published in the respective Journals of the Senate and the Assembly not later than the 15th legislative day and shall govern minimum expenditure computations for the period commencing July 1, 1967, and ending June 30, 1971. Each four years thereafter a new estimate shall be filed and published and shall govern the minimum expenditure computations for each succeeding four-year period.

Except as provided in this paragraph, the entire obligation under a contract awarded or a day labor project commenced during any of said periods shall be deemed an expenditure within the period in which such contract was awarded or day labor project commenced. Obligations under contracts which have been awarded or day labor projects which have been commenced but which are to be budgeted over more than one fiscal year pursuant to Section 143.15, shall be deemed expenditures in each of the fiscal years in which the work is to be performed in an amount equal to the final amount budgeted for each such fiscal year for such work. Obligations or expenditures arising out of contracts awarded or projects commenced pursuant to the last paragraph of Section 143.1, shall for purposes of this section be deemed expenditures in the fiscal year or years for which funds are budgeted for such work.

SEC. 2. Section 42274 is added to the Vehicle Code, to read:

42274. Should the amount of funds retained in the Motor Vehicle Fund by the State Controller pursuant to Section 42273 prove to be insufficient to pay incurred costs against

an appropriation from said fund, the State Controller shall redetermine the retention required and may, after at least 15 days' prior notice to the Department of Public Works, transfer back from time to time sufficient funds from the State Highway Fund to the Motor Vehicle Fund as are necessary to meet such retention requirements.

SEC. 3. Notwithstanding any other provisions of law, there shall be transferred from the Motor Vehicle Fund to the General Fund any amounts necessary to repay the balance of the principal and accrued interest due (a) on that investment made with the State Department of California Highway Patrol pursuant to Chapter 11 of the Statutes of 1951, (b) on that investment made for the purposes of the State Department of the California Highway Patrol pursuant to Chapter 1597 of the Statutes of 1951, and (c) on that investment made with the State Department of Motor Vehicles pursuant to Chapter 12 of the Statutes of 1951.

SEC. 4. The provisions of Section 1 of this act shall be applicable to projects financed from funds budgeted for the 1967–68 fiscal year and for ensuing fiscal years.

CHAPTER 1173

An act to amend Sections 930.5 and 939 of, and to add Section 938 to, the Unemployment Insurance Code, relating to unemployment insurance.

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

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

SECTION 1. Section 930.5 of the Unemployment Insurance Code is amended to read:

930.5. If an employer during any calendar year acquires substantially all the property used in a trade or business of another employer, or used in a separate unit of a trade or business of such other employer, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of the employer from whom the property was acquired, then, for the purpose of determining whether the acquiring employer has paid remuneration with respect to employment in excess of the limitation prescribed by Section 930, or the limitation prescribed by Section 985, to such individual during such calendar year, any remuneration with respect to employment paid to such individual by the employer from whom the property was acquired during such calendar year and prior to such acquisition shall be considered as having been paid by the acquiring employer. As used in this section,

"remuneration" does not include the remuneration referred to in Sections 931, 932, 933, 934, 935, 936, 937, and 938.

SEC. 2. Section 938 is added to the Unemployment Insurance Code, to read:

938. (a) "Wages" does not include any payment or series of payments by an employer to an employee or any of his dependents which is paid:

(1) Upon or after the termination of an employee's employment relationship because of death, retirement for disability, or retirement after attaining an age specified in the plan referred to in paragraph (2) of this subdivision or in a pension plan of the employer, and

(2) Under a plan established by the employer which makes provision for his employees generally or a class or classes of his employees (or for such employees or class or classes of employees and their dependents).

(b) This section shall not apply to any payment or series of payments which would have been paid if the employee's employment relationship had not been terminated as prescribed by this section.

SEC. 3. Section 939 of the Unemployment Insurance Code is amended to read:

939. Sections 931, 932, 933, 934, 935, 936, 937, and 938 shall be operative only during such time as the respective type or types of payments set forth in those sections are similarly excluded from the definition of wages contained in the Federal Unemployment Tax Act.

SEC. 4. The provisions of Section 938 of the Unemployment Insurance Code as added by this act shall apply to payments made on and after the first day of the first complete calendar quarter beginning on or after the effective date of this act.

CHAPTER 1174

An act to amend Sections 15503, 15505, 15511, and 15515 of the Education Code, relating to school buildings.

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

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

SECTION 1. Section 15503 of the Education Code is amended to read:

15503. The governing board of any school district which has in use for school purposes any school buildings which were not constructed under approved plans and the supervision and inspection requirements of Article 4 (commencing with Section 15451) of this chapter shall have such buildings examined pursuant to this section and shall have completed on or before

January 1, 1970, the examination, reporting and estimate requirements of this section and Section 15512.

Whenever an examination of the structural condition of any school building of a school district has been made by the Department of General Services, or by any licensed structural engineer or licensed architect for the governing board of the school district, or under the authorization of law, and a report of the examination, including the findings and recommendations of the agency or person making the examination, has been made to the governing board of the district, and the report shows that the building is unsafe for use, the governing board of the district shall immediately have prepared an estimate of the cost necessary to make such repairs to the building or buildings as are necessary, or, if necessary, to reconstruct or replace the building so that the building when repaired or reconstructed, or any building erected to replace it, shall meet such standards of structural safety as are established in accordance with law. The estimate shall be based on current costs and may include other costs to reflect modern educational needs. Also an estimate of the cost of replacement based on the standards established by the State Allocation Board for area per pupil and cost per square foot, shall be made and reported.

The report required by this section shall include a statement that each of the buildings examined is safe or unsafe for school use. For the purpose of this statement the sole consideration shall be protection of life and the prevention of personal injury at a level of safety equivalent to that established by Article 4 (commencing with Section 15451) of this chapter and the rules and regulations adopted thereunder, disregarding, insofar as possible, such building damage not jeopardizing life which would be expected from one disturbance of nature of the intensity used for design purposes in said rules and regulations.

The governing board, utilizing the information acquired from the examination and report developed pursuant to this section, shall establish a system of priorities for the repair, reconstruction, or replacement of unsafe school buildings.

SEC. 2. 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 propositions (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. 3. 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.

SEC. 4. Section 15515 of the Education Code is amended to read:

15515. No member of the governing board of a school district shall be held personally liable for injury to persons or damage to property resulting from the fact that a school building was not constructed under the requirements of Article 4 (commencing with Section 15451) of this chapter, if such governing board complies with the provisions of this article. Such limit on liability shall commence when such governing board initiates action to comply with the provisions of Section 15503.

A licensed structural engineer or licensed architect employed by a governing board to examine any school building under this article shall not be held personally liable for injury to persons or damage to property as a result of the structural

inadequacy and failure of a building, provided he has exercised normal professional diligence in carrying out his functions under Article 4 (commencing with Section 15451) of this chapter and the provisions of this article.

CHAPTER 1175

An act to add Section 6768 to the Business and Professions Code, relating to engineering.

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

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

SECTION 1. Section 6768 is added to the Business and Professions Code, to read:

6768. The board shall register without examination in that branch of engineering designated as metallurgical engineering any applicant who applied prior to June 30, 1966, and who meets all of the following qualifications:

(a) Is over the age of 21 years and has been a resident of this state for at least five years.

(b) Has received an engineering degree from an accredited college or university located in the United States.

(c) Has had at least 10 years' experience in a position requiring a knowledge of the various furnaces used in metallurgical processes, including such factors as emissions from the metallurgical industry operations that may be generated from metal melting, refining and pouring, molding, core baking, grinding, polishing, fabricating, plating and heat treating. Has directed programs that include technical studies calling for the collection of data and extensive knowledge of a wide field of metallurgical and filtering equipment varying from high velocity multijet scrubbers to an evaporative cooler, to complex furnaces; every type and design of metallurgical equipment in use today is thoroughly studied, necessitating a knowledge of metallurgy in its most basic form; these include such furnaces and operations as aluminum chlorination, aluminum melting crucible furnaces, aluminum reverberatory furnaces, aluminum sweating furnaces, brass melting crucible furnaces, brass pouring, brass melting electric furnaces, brass melting reverberatory furnaces, brass melting rotary furnaces, iron melting cupola furnaces, iron melting electric induction furnaces, iron melting reverberatory furnaces, lead melting cupola furnaces, lead melting pot furnaces, lead melting reverberatory and smelting furnaces, magnesium melting furnaces, electric arc steel and iron melting furnaces, electric induction steel melting furnaces, open hearth steel melting furnaces, zinc galvanizing kettles, zinc calcine processing kilns, zinc pouring furnaces, zinc sweating furnaces, heat treating

furnaces, foundry sand handling systems, core ovens, shell core machines, wax burnout ovens, tungsten carbide melting furnaces, zirconium melting furnaces, titanium melting furnaces, gold and silver reclaiming furnaces, tin reclaiming equipment, abrasive blasting, virgin zinc reclaiming furnaces and brass melting cupola furnaces.

CHAPTER 1176

An act to amend Section 10012.5 of the Elections Code, relating to elections, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 1968. Filed with Secretary of State August 9, 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, if it is for a primary election, or no later than the 45th day before the election, if it is for a general election. It 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.

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 intends that the provisions of this act become effective for the 1968 general election.

CHAPTER 1177

An act to amend Section 25113.1 of, and to add Section 14696.2 to, the Education Code, and to add Section 22152.6 to the Government Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 25413.1 of the Education Code is amended to read:

25413.1. When a junior college district, members of the governing board of which are also members of the governing board of a city school district with an average daily attendance of 400,000 or more in grades kindergarten through 12, serves a greater area than the city school district, the persons who serve as members on the governing board of the junior college district shall not serve also as members of the city school district board. Those persons who serve as members of the governing boards of both the junior college district and the city school district shall, on or before December 31, 1968, elect on which of the two boards they will continue to serve. Those persons who elect to serve as members of either the governing board of the junior college district or the governing board of the city school district shall continue to serve also as members of the governing board from which they have elected to withdraw until their successors on such board are elected at the governing board election next following December 31, 1968, and have assumed office.

Prior to December 1, 1968, the governing board shall identify each position the wages or salary of which is paid in whole or in part from the funds of the junior college district and shall so notify each incumbent. Each employee whose

regular-position wages or salary is paid exclusively from the funds of either district as of June 30, 1969, shall be deemed on July 1, 1969 to be an employee of the district paying the wages or salary. Each classified employee whose regular-position wages or salary was upon written notification made after July 1, 1968, paid in part from junior college district funds and in part from city school district funds, and each certificated employee paid 50 percent or more from the funds of the junior college districts, shall make an irrevocable, written election on or before December 31, 1968, as to the district in which he will serve. Upon the effective date of the election, a classified employee in either district shall have the right, based upon his seniority in the position classification in which he is then serving, to transfer to a position in the same position classification in the other district and to displace a classified employee with lesser seniority in such class employed in the other district, under rules established by the personnel commission serving the city school district. Should such an employee fail to make such election he shall be deemed to have elected to serve the city school district. Such election shall become effective on July 1, 1969, unless the employee has prior to June 30, 1969 voluntarily accepted regular assignment to a regular position the wages or salary of which is paid on June 30, 1969 exclusively by one district, and he is the incumbent in such position on said date. After June 30, 1969, no such employee shall have tenure or classification as a permanent employee in other than the district in which he elects to serve.

If both the city school district and the junior college district have adopted a merit system as provided in Article 5 (commencing with Section 13701) of Chapter 3, Division 10 of this code, and were served by a single personnel commission as provided in Section 13705, then a new personnel commission shall be appointed for the junior college district effective January 1, 1969, or as soon thereafter as possible, under the procedures applicable to the original appointments to the personnel commission which has served both districts. Subsequent appointments shall be made in accordance with Section 13707.4. The new personnel commission shall be empowered to meet prior to July 1, 1969, for the purpose of appointing a personal director, and may enter into a contract with the personnel commission which has served both districts for the necessary selection procedures. It may also take action on all other matters necessary for the orderly transition of responsibility between the two personnel commissions. The new personnel commission shall appoint a personnel director in the manner provided in Section 13717 within 90 days after the appointment of at least two of its members, but not before July 1, 1969. The personnel commission which had served both districts may continue to serve both districts pursuant to the terms of a contract which may be entered into by the personnel commissions of both school districts until such time as the newly appointed per-

sonnel commission determines that it can serve the junior college district.

Except as otherwise provided in this section, the rights, benefits and burdens of regular classified employees of both the city school district and the junior college district shall be fixed in accordance with the provisions of Sections 13584 and 13584.1. The personnel commission of the junior college district shall initially adopt the rules of the personnel commission which had served both districts. The governing board of the junior college district shall fix the compensation of classified employees in accordance with Section 13601.5. The junior college district shall maintain for a period of two years after June 30, 1969 at least the same benefits of salary, vacation, hospital-medical insurance, paid illness leave, and other paid leaves provided for classified employees on June 30, 1969.

A classified employee who has probationary status in either district on June 30, 1969, shall remain in probationary status, with accumulated seniority credit, until he completes his probationary period. A classified employee who has permanent status on June 30, 1969, shall have the rights and privileges listed below on and after the separation of the junior college and city school boards of education:

(a) Seniority for all purposes for all creditable service, as provided by the rules of the appropriate personnel commission, in either district.

(b) Until July 1, 1970, in case of layoff from one district the right of reemployment in the other district, including the exercise of bumping rights, if the employee has the least seniority in his class in the employing district. Subject to the approval of the employing district, the privilege of being reinstated after layoff in either district in a parallel class for a period of 27 months commencing July 1, 1970.

(c) Subject to the approval of the employing district, the privilege of reinstatement after resignation or voluntary demotion, and the privilege of transfer or voluntary demotion in either district, with the approval of both districts, for a period of 39 months after July 1, 1969.

(d) The right to compete in promotional examinations in both districts through June 30, 1970 for classes for which he is qualified.

(e) The retention of all accrued vacation and illness leave benefits.

All classified eligibility lists which are in effect on June 30, 1969, shall continue to be in effect in both districts, for applicable classes, until they expire in accordance with Section 13738 Employees of both the city school district and the junior college district who are on such lists on June 30, 1969 may be certified for and may accept appointments to positions in either district.

For the purposes of Section 13723, the junior college district shall be deemed to be a school district which had already

adopted the merit system prior to the amendment of Section 13723 in 1965.

It is the intent of the Legislature in enacting this act to continue the rights, benefits, and privileges of regular classified employees, insofar as practicable, without disruption which may be caused by the separation of the junior college and city boards of education.

Any part or all of the land, buildings, fixtures, leases, and other real property which are jointly owned by the city school district and the junior college district may, at the option of the city school district, become the property of the city school district subject to the requirement that the city school district pay cash, or other valuable consideration acceptable to the junior college district, to the junior college district for its proportionate interest in such real property. Such payments may be made in installments over a five-year period, commencing July 1, 1969. Not less than 20 percent of such proportionate interest of the junior college district shall be paid in any one installment. Such property shall be valued at its insurable value as of May 1, 1969. In cases where the value of real property cannot be established by reference to insurable value the market value of the property shall be used for valuation purposes. In order to provide for such payments, and for cash payments authorized in this section for the purpose of purchasing equipment, supplies, fixtures, vehicles, and other personal property, the maximum school district tax for such city school district is hereby increased by such amount as will produce the amount of such payments made pursuant to this section, and the increase shall be in addition to any other schools district tax authorized by law to be levied. Such maximum school district tax increase may be levied commencing July 1, 1968 and shall remain in effect until all payments to the junior college district for its interest in such real and personal property have been made.

All equipment and supplies, including fixtures, and other personal property located in any school shall remain with and become the property of the district operating such school. Any part or all of the equipment, supplies, fixtures, and other personal property, located in a facility owned jointly by both such districts, and which property has been used jointly by both such districts may, at the option of the city school district, become the property of the city school district subject to the requirement that the city school district pay cash, or other valuable consideration acceptable to the junior college district, to the junior college district for its proportionate interest in such personal property. Such personal property shall be valued at its insurable value as of May 1, 1969.

Equipment, supplies, and other stores possessed jointly by both districts as of July 1, 1969 shall be distributed in kind or in cash value in accordance with the costs as reflected in the records of the junior college district and the city school district.

Vehicles jointly owned or jointly used by the city school district and by the junior college district, including those used for grading, landscaping, building or ground maintenance, cleaning, and for materials handling purposes, regardless of location, may, at the option of the city school district, become the property of the city school district, subject to the requirement that the city school district pay cash, or other valuable consideration acceptable to the junior college district, to the junior college district for its proportionate interest in such personal property. Such personal property shall be valued at its insurable value as of May 1, 1969.

One district may contract with the other district for the performance of services under such terms and conditions as may be agreed upon by the two districts.

Whenever in this code a section refers to a district, or to two or more districts, governed by a single governing board, or by governing boards of identical personnel, or to a district or districts in which the average daily attendance is in excess of 400,000, or makes a similar such reference, all provisions of such section shall apply with equal force to both such city school district and junior college district.

SEC. 2. Section 14696.2 is added to the Education Code, to read:

14696.2. If two districts, one of which is a junior college district, have been included in one contract between the Board of Administration of the Public Employees' Retirement System and the governing board of said districts, as provided in paragraph (7) of subdivision (b) of Section 14696 of the Education Code, and thereafter members of the governing board of the junior college district are precluded by law from serving as members of the governing body of the other district, such contract shall be deemed a separate contract as to each district. The Board of Administration of the Public Employees' Retirement System shall determine the accumulated contributions held for or as having been made by each district and its employees, and shall credit such contributions to the respective contracts. Benefits based on all service of an employee to the districts prior to the date upon which employees' elections to serve the respective districts are effective shall be a liability of the contract of the district employing such person on such effective date. A person retired prior to such effective date shall, for all purposes of this section, be deemed an employee of the district other than the junior college district.

SEC. 3. Section 22152.6 is added to the Government Code, to read:

22152.6. Notwithstanding any provision of this part to the contrary, the board shall divide the Public Employees' Retirement System with respect to the employees of any junior college district whose employees who are members and who are not covered under the federal system on July 1, 1969, and shall execute a modification to the agreement to include services in positions covered by the retirement system, as defined in para-

graph (1) of subdivision (e) of Section 22009.1, established by such division with coverage as of July 1, 1969. The division shall be conducted in accordance with this article. The district shall perform such function in connection with the division as the board may direct.

A school district whose employees are included in the agreement pursuant to this section shall be subject to all obligations, duties and liabilities imposed and shall have the powers conferred on a public agency under Article 2 (commencing at Section 22550) of Chapter 2 of this part.

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 allow the necessary time and to provide the necessary information for city school district and junior college district employees, as defined in Section 1 hereof, for the purpose of selecting their school district employers, and in order to allow for an orderly distribution of real and personal property between the two school districts, it is necessary that this act go into effect immediately.

CHAPTER 1178

An act to add Section 4855 to the Labor Code, relating to workmen's compensation.

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

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

SECTION 1. Section 4855 is added to the Labor Code, to read:

4855. This article shall not be applicable to individuals who are appointed as reserve public safety employees and are deemed to be employees of a county, city, town or district for workmen's compensation purposes pursuant to Section 3362.

CHAPTER 1179

An act to amend Section 1160, and to repeal Section 1160.5, of the Harbors and Navigation Code, relating to bar pilots.

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

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

SECTION 1. Section 1160 of the Harbors and Navigation Code is amended to read:

1160. (a) The board shall renew the licenses of, or examine and license, not less than 24 nor more than 30 bar pilots, except that persons licensed as temporary bar pilots on January 1, 1949, and thereafter continuously licensed as such shall hereafter be licensed as permanent bar pilots, subject to the same tenure, duties and rights thereunder as other bar pilots. No further bar pilots' licenses, other than renewals, shall hereafter be issued when such issue would cause more than 30 such licenses to be in force.

(b) Bar pilots have exclusive authority to pilot vessels from the high seas to the Bays of San Francisco, San Pablo and Suisun and the ports thereof, and from those bays and ports to the high seas. They also may pilot vessels between and within the ports of those bays, but such interior pilotage is not compulsory, nor is such interior pilotage prohibited to persons not licensed by the board.

(c) For the purpose of this section, "high seas" includes the Pacific Ocean and all the navigable waters of the Golden Gate, westerly of a straight line drawn between Anita Rock and Yellow Bluff.

SEC. 2. Section 1160.5 of the Harbors and Navigation Code is repealed.

CHAPTER 1180

An act to amend Section 69598 of the Government Code, relating to courts.

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

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

SECTION 1. Section 69598 of the Government Code is amended to read:

69598. In the County of San Joaquin there shall be six judges of the superior court.

CHAPTER 1181

An act to add Section 40519 to the Vehicle Code, relating to procedure in traffic violation cases.

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

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

SECTION 1. Section 40519 is added to the Vehicle Code, to read:

40519. (a) Any person who has received a written notice to appear for an alleged violation of an infraction in a court other than in the county of his residence, may, prior to the time at which he is required to appear, plead not guilty in writing in lieu of appearing in person. The written plea shall be directed to the court named in the notice to appear and, if mailed, shall be sent by certified or registered mail postmarked not later than five days prior to the day upon which appearance is required. Such written plea and request to the court shall be accompanied by a deposit of twenty-five dollars ($25) which amount shall be used for the purpose of guaranteeing the appearance of the defendant at the time and place set by the court for trial and to apply toward the payment of fine, if any, prescribed by the court upon conviction. Thereafter, the case shall be conducted in the same manner as if the defendant had appeared in person, had made his plea in open court, and had deposited such sum of twenty-five dollars ($25) as bail. The court or the clerk of the court shall notify the accused of the time and place of trial by first-class mail postmarked at least 10 days prior to the time set for the trial. Any person using this procedure shall be deemed to have waived his right to be tried within the statutory period.

(b) Any person using the procedure set forth in subdivision (a) shall be deemed to have given his written promise to appear at the time designated by the court for trial and failure to appear at the trial shall constitute a misdemeanor.

SEC. 2. This act shall become operative only if Assembly Bill No. 1118 of the 1968 Regular Session is enacted and shall become operative at the same time as Assembly Bill No. 1118 and shall apply to all violations committed on or after that date.

CHAPTER 1182

An act to amend Sections 1861 and 1861a of the Civil Code, relating to liens.

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

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

SECTION 1. Section 1861 of the Civil Code is amended to read:

1861. Hotel, motel, inn, boardinghouse, furnished apartment house and lodginghouse keepers shall have a lien upon the baggage and other property belonging to or legally under the control of their guests, boarders, tenants, or lodgers which may be in such hotel, motel, inn, or apartment, boarding or lodging house for the proper charges due from such guests, boarders, tenants, or lodgers, for their accommodation, board and lodging and room rent, and such extras as are furnished

at their request, and for all money paid for or advanced to such guests, boarders, tenants, or lodgers, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property until such charges and moneys are paid; and unless such charges and moneys shall be paid within 60 days from the time when the same become due, said hotel, motel, inn, furnished apartment house, boardinghouse or lodginghouse keeper may sell said baggage and property at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, pursuant to Section 6064 of the Government Code in the county in which said hotel, motel, inn, furnished apartment house, boardinghouse or lodginghouse is situated and also by mailing, at least fifteen (15) days before such sale, a copy of such notice addressed to such guest, boarder, tenant, or lodger at his post office address, if known, and if not known, such notice shall be addressed to such guest, boarder, tenant, or lodger at the place where such hotel, motel, inn, furnished apartment house, boardinghouse or lodginghouse is situated; and after satisfying such lien out of the proceeds of such sale together with any reasonable costs that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall upon demand made within six months after such sale, be paid by said hotel, motel, inn, furnished apartment house, boardinghouse, or lodginghouse keeper to such guest, boarder, tenant, or lodger; and if not demanded within six months from the date of such sale, such residue shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representatives, within one year thereafter, the same shall be paid into the general fund of said county; and such sale shall be a perpetual bar to any action against said hotel, motel, inn, furnished apartment house, boardinghouse or lodginghouse keeper for the recovery of such baggage or property or of the value thereof, or for any damages growing out of the failure of such guest, boarder, tenant, or lodger to receive such baggage or property; provided, however, that if any baggage or property becoming subject to the lien herein provided for does not belong to the guest, lodger, tenant, or boarder who incurred the charges or indebtedness secured thereby, at the time when such charges or indebtedness was incurred, and if the hotel, motel, inn, furnished apartment house, boarding or lodging house keeper entitled to such lien receives notice of such fact at any time before the sale of such baggage or property hereunder, then, and in that event, such baggage and property which is subject to said lien and did not belong to said guest, boarder, tenant, or lodger at the time when such charges or indebtedness was incurred shall not be subject to sale in the manner hereinbefore provided, but such baggage and property may be sold in the manner provided by the

Code of Civil Procedure for the sale of property under a writ of execution, to satisfy a judgment obtained in any action brought to recover the said charges or indebtedness.

In order to enforce the lien provided for in this section, a motel, hotel, inn, furnished apartment house, boardinghouse, and lodginghouse keeper shall have the right to enter peaceably the premises used by his guest, boarder, lodger, or tenant in such hotel, motel, inn, furnished apartment house, boardinghouse, or lodginghouse without liability to such guest, tenant, boarder, or lodger for conversion, trespass, or forcible entry. An entry shall be considered peaceable when accomplished with a key or passkey or through an unlocked door during the hours between sunrise and sunset.

This section does not apply to:

1. Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living.

2. Any prosthetic or orthopedic appliance personally used by a guest, boarder, tenant, or lodger.

SEC. 2. Section 1861a of the Civil Code is amended to read:

1861a. Keepers of unfurnished apartment houses, apartments, cottages, or bungalow courts shall have a lien upon the baggage and other property of value belonging to their tenants or guests, and upon all the right, title and interest of their tenants or guests in and to all property in the possession of such tenants or guests which may be in such unfurnished apartment house, apartment, cottage, or bungalow court, for the proper charges due from such tenants or guests, for their accommodation, rent, services, meals, and such extras as are furnished at their request, and for all moneys expended for them, at their request, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property of value until such charges are paid, and such moneys are repaid. In order to enforce the lien provided for in this section, such keeper shall have the right to enter peaceably the unfurnished apartment house, apartment, cottage, or bungalow court used by his guest or tenant without liability to such guest or tenant, including any possible claim of liability for conversion, trespass, or forcible entry. An entry shall be considered peaceable when accomplished with a key or passkey or through an unlocked door during the hours between sunrise and sunset. Unless such charges shall be paid and unless such moneys shall be repaid within 60 days from the time when such charges and moneys, respectively, become due, said keeper of an unfurnished apartment house, apartment, cottage, or bungalow court, may sell said baggage and property, at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, pursuant to Section 6064 of the Government Code in the county in which said unfurnished apartment house, apartment, cottage, or bungalow court is situated, and also by mailing, at least 15 days prior to the

date of sale, a copy of such notice addressed to such tenant or guest at his post office address, if known, and if not known, such notice shall be addressed to such tenant or guest at the place where such unfurnished apartment house, apartment, cottage, or bungalow court is situated; and, after satisfying such lien out of the proceeds of such sale, together with any reasonable costs, that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall, upon demand made within six months after such sale, be paid by said keeper of an unfurnished apartment house, apartment, cottage, or bungalow court to such tenant or guest; and if not demanded within six months from the date of such sale, said residue, if any, shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representative within one year thereafter, it shall be paid into the general fund of the county; and such sale shall be a perpetual bar to any action against said keeper of an unfurnished apartment house, apartment, cottage, or bungalow court for the recovery of such baggage or property, or of the value thereof, or for any damages, growing out of the failure of such tenant or guest to receive such baggage or property.

This section does not apply to:

(a) Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living.

(b) Any prosthetic or orthopedic appliance personally used by a tenant or guest.

(c) Table and kitchen furniture, including one refrigerator, washing machine, sewing machine, stove; bedroom furniture, one overstuffed chair, one davenport, one dining table and chairs, and also all tools, instruments, clothing and books used by the tenant or guest in gaining a livelihood; beds, bedding and bedsteads, oil paintings and drawings drawn or painted by any member of the family of the tenant or guest, and any family portraits and their necessary frames.

(d) All other household, table or kitchen furniture not expressly mentioned in paragraph (c), including but not limited to radios, television sets, phonographs, records, motor vehicles that may be stored on the premises except so much of any such articles as may be reasonably sufficient to satisfy the lien provided for by this section; and provided further, that such lien shall be secondary to the claim of any prior bona fide holder of a chattel mortgage on and the rights of a conditional seller of such articles, other than the tenant or guest. A motor vehicle that is exempt from attachment or execution under the provisions of Section 690 24 of the Code of Civil Procedure shall not be subject to the lien provided for in this section.

CHAPTER 1183

An act to amend Section 69604 of the Government Code, relating to courts.

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

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

SECTION 1. Section 69604 of the Government Code is amended to read:

69604. In the County of Stanislaus there shall be five judges of the superior court.

CHAPTER 1184

An act to amend Section 30001 of, and to add Section 30636.2 to, the Public Utilities Code, relating to rapid transit.

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

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

SECTION 1. Section 30001 of the Public Utilities Code is amended to read:

30001. The Legislature hereby finds and declares:

(a) There is an imperative need for a comprehensive mass rapid transit system in the southern California area, and particularly in Los Angeles County. Diminution of congestion on the streets and highways in Los Angeles will facilitate passage of all Californians motoring through the most populous area of this state and will especially benefit domiciliaries of that county who reside both within and without the rapid transit district.

(b) In view of the limited powers of the Los Angeles Metropolitan Transit Authority (herein sometimes referred to as "authority") it has become apparent that the authority is unable to solve the transit problems of the southern California area and provide the needed comprehensive mass rapid transit system.

(c) It is, therefore, necessary to provide a successor corporation to the authority, to wit: a transit district, and to establish such transit district governed by representatives of the governmental agencies in the southern California area so that there will be sufficient power and authority to solve the transportation problems in the southern California area and to provide the needed comprehensive mass rapid transit system.

(d) It is evident, therefore, that such a transit district may plan to meet the transit needs and problems of the whole southern California area; and that the estimates of future

population growth for the southern California area make it imperative that a comprehensive plan for rapid transit contain projections of population trends extending over the next 30 years.

SEC. 2. Section 30636.2 is added to the Public Utilities Code, to read:

30636.2. In planning the development of a rapid transit system or any part thereof within its territory and in carrying out the provisions of Section 30001, the district may extend its studies to include any city or unincorporated area not within the territory of the district. The district may invite the participation in such studies of government agencies having planning jurisdiction in such extended areas, and the studies shall be coordinated with regional comprehensive and transportation planning programs. The district may accept and use for the purpose of rapid transit planning in such extended areas any funds provided for such purpose.

CHAPTER 1185

An act to amend Sections 1030, 1032, and 3701 of the Unemployment Insurance Code, relating to employer's reserve accounts.

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

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

SECTION 1. Section 1030 of the Unemployment Insurance Code is amended to read:

1030. (a) Any employer who is entitled under Section 1327 to receive notice of the filing of a new or additional claim may, within 10 days after mailing of such notice, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work, or whether the claimant was a student employed on a temporary basis and whose employment began within, and ended with his leaving to return to school at the close of, his vacation period. 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 con-

nected with his work, or whether the claimant was a student employed on a temporary basis and whose employment began within, and ended with his leaving to return to school at the close of, his vacation period. The period during which the employer may submit such facts may be extended by the director for good cause.

(c) The department shall consider such facts together with any information in its possession and promptly notify the employer of its ruling as to the cause of the termination of the claimant's employment. Any ruling may for good cause be reconsidered by the department within 15 days after mailing or personal service of the notice of ruling. For purposes of this section only, if the claimant voluntarily leaves such employer's employ without notification to the employer of the reasons therefor, and if the employer submits all of the facts within its possession concerning such leaving within the applicable time period referred to in this section, such leaving shall be presumed to be without good cause. An individual whose employment is terminated under the compulsory retirement provisions of a collective bargaining agreement to which the employer is a party shall not be deemed to have voluntarily left his employment without good cause. An appeal may be taken from a ruling or reconsidered ruling in the manner prescribed in Section 1328.

SEC. 2. Section 1032 of the Unemployment Insurance Code is amended to read:

1032. If it is ruled under Section 1030 or 1328 that the claimant left the employer's employ voluntarily and without good cause or was discharged by reason of misconduct connected with his work, or that he was a student employed on a temporary basis and whose employment began within, and ended with his leaving to return to school at the close of, his vacation period, benefits paid to the claimant subsequent to the termination of employment due to such voluntary leaving or discharge, or due to the termination of the temporary employment of a student whose employment began within, and ended with his leaving to return to school at the close of, his vacation period, which are based upon wages earned from such employer prior to the date of such termination of employment, shall not be charged to the account of such employer unless he failed to furnish the information specified in Section 1030 within the time limit prescribed in that section.

SEC. 3. Section 3701 of the Unemployment Insurance Code is amended to read:

3701. (a) Any employer who is entitled under Section 3654 to notice of the filing of a primary claim or additional claim and who, within 10 days after mailing of such notice, submits to the department any facts within its possession disclosing whether the exhaustee left the most recent employment with such employer voluntarily and without good cause or was discharged from such employment for misconduct connected with

his work, or whether the claimant was a student employed on a temporary basis and whose employment began within, and ended with his leaving to return to school at the close of, his vacation period, shall be entitled to a ruling as prescribed by this section. The period during which the employer may submit such facts may be extended by the director for good cause.

(b) The department shall consider such facts together with any information in its possession and promptly notify the employer of its ruling as to the cause of the termination of the exhaustee's most recent employment. Any ruling may for good cause be reconsidered by the department within 15 days after mailing or personal service of the notice of ruling. An appeal may be taken from a ruling or reconsidered ruling in the manner prescribed in Section 3655.

(c) Rulings under this section shall have the effect prescribed by Section 1032.

SEC. 4. The provisions of Sections 1030, 1032, and 3701 of the Unemployment Insurance Code as amended by this act shall apply to new, primary, and additional claims filed with an effective date beginning on or after the effective date of this act. The provisions of Sections 1030, 1032, and 3701 of said code as in effect prior to the amendments made by this act shall remain applicable to new, primary, and additional claims filed with an effective date beginning prior to the effective date of this act.

CHAPTER 1186

An act to amend Sections 14552, 14567, 14569, 14621, and 14626 of, to add Sections 14532, 14570, 14624, and 14688 to, and to repeal Sections 14622, 14623, and 14624 of, the Agricultural Code, relating to fertilizing materials.

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

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

SECTION 1. Section 14532 is added to the Agricultural Code, to read:

14532. Any money which is received by the director pursuant to this chapter shall be paid into the State Treasury to the credit of the Department of Agriculture Fund, to be expended as provided in Section 11513.

SEC. 2. Section 14552 of the Agricultural Code is amended to read:

14552 The chemical analysis regarding any commercial fertilizer shall state the percentages which are represented to be in the commercial fertilizer of all of the following:

(a) Nitrogen, specifying each form in which it is present and the percentage of each form.

(b) Available phosphorus, expressed in terms of phosphorus pentoxide.

(c) Soluble potassium, expressed in terms of potassium oxide.

SEC. 3. Section 14567 of the Agricultural Code is amended to read:

14567. Every registered producer, manufacturer, importer, agent, or dealer, that makes or sells any agricultural mineral shall file a statement with the director, prior to issuance of registration in each year, which states all of the following:

(a) The percentage of every constituent of agricultural value which is claimed to be in the agricultural mineral.

(b) The materials from which each of the constituents is derived.

SEC. 4. Section 14569 of the Agricultural Code is amended to read:

14569. Except as provided in Section 14570, the sale of any auxiliary soil chemical in any container or package except the registrant's sealed or closed container or package is prohibited.

SEC. 5. Section 14570 is added to the Agricultural Code, to read:

14570. The director by regulation, adopted pursuant to Chapter 4 5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code (the Administrative Procedure Act), may authorize sales of auxiliary soil chemicals to be made out of a registrant's opened but properly labeled lot, container, or package.

SEC. 6. Section 14621 of the Agricultural Code is amended to read·

14621. Every producer of, manufacturer of, importer of, or dealer in, any commercial fertilizer, agricultural mineral, or auxiliary soil chemical, except a dealer or agent that sells in packages filled and labeled by a registrant, shall obtain from the director a certificate of registration which authorizes the registrant to sell commercial fertilizers, agricultural minerals, or auxiliary soil chemicals before the commercial fertilizer, agricultural mineral, or auxiliary soil chemical is offered for sale.

SEC. 7. Section 14622 of the Agricultural Code is repealed.

SEC. 8. Section 14623 of the Agricultural Code is repealed.

SEC. 9. Section 14624 of the Agricultural Code is repealed.

SEC. 10. Section 14624 is added to the Agricultural Code, to read:

14624. Each certificate shall designate the type of material which is authorized by the certificate.

SEC. 11. Section 14626 of the Agricultural Code is amended to read:

14626. Each application for a certificate of registration shall be accompanied by the proper fee, as follows:

(a) For a certificate of registration for the sale of commercial fertilizers, agricultural minerals, or auxiliary soil chemicals, fifty dollars ($50).

(b) For a jobber certificate of registration, twenty-five dollars ($25).

SEC. 12. Section 14688 is added to the Agricultural Code, to read:

14688. The director may fix the fees required by Section 14682 at a less amount and may adjust the fees from time to time, whenever he finds that the cost of administering the provisions of this chapter can be defrayed from revenues derived from such lower fees.

CHAPTER 1187

An act to amend Sections 30012 and 30474 of, to add Sections 30016, 30188, 30478, and 30479 to, and to add Article 3 (commencing with Section 30155) to Chapter 3, Part 13 of Division 2 of, the Revenue and Taxation Code, relating to the Cigarette Tax Law.

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

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

SECTION 1. Section 30012 of the Revenue and Taxation Code is amended to read:

30012. "Dealer" includes every person, other than one holding a distributor's or wholesaler's license, who engages in this state in the sale of cigarettes.

SEC. 2. Section 30016 is added to the Revenue and Taxation Code, to read:

30016. "Wholesaler" includes any person, other than a licensed distributor, who engages in this state in making sales for resale of cigarettes, which are contained in packages to which are affixed stamps or meter impressions.

SEC. 3. Article 3 (commencing with Section 30155) is added to Chapter 3, Part 13 of Division 2 of the Revenue and Taxation Code, to read:

Article 3. Wholesalers

30155. Every person desiring to engage in the sale of cigarettes as a wholesaler shall file with the board an application, in such form as the board may prescribe, for a wholesaler's license. A wholesaler shall apply for and obtain a license for each place of business at which he engages in the business of selling cigarettes as a wholesaler.

30156. No fee shall be charged nor shall a bond be required of any person for the issuance to him of a wholesaler's license.

30157. Upon receipt of a completed application, the board shall issue to the applicant a license as a wholesaler. A separate license shall be issued for each place of business of the wholesaler within the state. A license is valid only for engaging in business as a wholesaler at the place designated thereon, and it shall at all times be conspicuously displayed at the place for which issued. The license is not transferable and is valid until canceled, suspended, or revoked.

30158. Whenever any wholesaler fails to comply with any provision of this part or any rule or regulation of the board prescribed and adopted under this part, the board upon hearing, after giving the wholesaler at least 10 days' notice in writing specifying the time and place of hearing and requiring him to show cause why his license should not be revoked or suspended, may revoke or suspend the license held by him. The notice may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination. The board shall not issue a license to a distributor whose license has been revoked or suspended unless it is satisfied that he will comply with the provisions of this part and the rules and regulations of the board.

30159. Any person required to obtain a license as a wholesaler under this part who engages in business as a wholesaler without a license or after a license has been canceled, suspended, or revoked, and each officer of any corporation which so engages in business, is guilty of a misdemeanor.

SEC. 4. Section 30188 is added to the Revenue and Taxation Code, to read:

30188. On or before the 25th day of each month, every wholesaler shall file on forms prescribed by the board a report respecting his inventory, purchases, and sales of cigarettes during the preceding month and such other information as the board may require to carry out the purposes of this part.

SEC. 5. Section 30474 of the Revenue and Taxation Code is amended to read:

30474. Any person who knowingly possesses, or keeps, stores or retains for the purpose of sale, or sells or offers to sell, any package of cigarettes to which there is not affixed the stamp or meter impression required to be affixed under this part, when such cigarettes have been obtained from any source whatever, is guilty of a misdemeanor and shall for each offense be fined not more than five hundred dollars ($500), or be imprisoned for not exceeding one year in the county jail, or be subject to both fine and imprisonment, in the discretion of the court. In addition to the fine or sentence, or both, each person convicted under this section shall pay twenty-five dollars ($25) for each carton of 200 cigarettes, or portion thereof, knowingly possessed, or kept, stored or retained for the purpose of sale, or sold or offered for sale in violation of this section, as determined by the court.

SEC. 6. Section 30478 is added to the Revenue and Taxation Code, to read:

30478. It shall be a misdemeanor for any retailer, as defined in Section 6015, to knowingly purchase cigarettes for resale from any person except a distributor or wholesaler licensed pursuant to this part.

SEC. 7. Section 30479 is added to the Revenue and Taxation Code, to read:

30479. If any retailer, as defined in Part 1 (commencing with Section 6001) of this division, is convicted under any provision of this part and has any previous conviction within a 10-year period under this part, the State Board of Equalization shall revoke all permits issued to such person under the Sales and Use Tax Law for a period of one year.

CHAPTER 1188

An act to amend Section 1043 of the Penal Code, relating to defendant's absence from trial.

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

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

SECTION 1. Section 1043 of the Penal Code is amended to read:

1043. (a) The defendant in a felony case must be personally present at the trial. If he fails to appear at any time during the course of the trial and before the jury has retired for its deliberations, or the case has been finally submitted to the judge, and after the exercise of reasonable diligence his presence cannot be procured, the court shall declare a mistrial and the case may be again tried. Nothing in this subdivision shall limit the right of a defendant to waive his right to be present in accordance with the provisions of Section 977.

(b) If the defendant in a misdemeanor case fails to appear in person at the time set for trial or during the course of trial, the court may, in its discretion:

(1) Proceed with the trial upon a finding that the defendant absented himself with full knowledge that the trial is to be held or is being held.

(2) Continue the matter.

(3) Order bail forfeited or revoke release on the defendant's own recognizance.

(4) Issue a bench warrant.

(5) Do any one or more of the preceding as the court deems appropriate.

CHAPTER 1189

An act to add Section 16554.5 to the Education Code, relating to child care programs in the public schools.

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

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

SECTION 1. Section 16554.5 is added to the Education Code, to read:

16554.5. The governing board of any school district may allow the use of school building, facilities, grounds, and equipment for child care or day care programs established in cooperation with any city to provide supervision and activities for children of preschool age. The governing board may also provide such supervisory, consultant, custodial, clerical, or other services as it deems advisable with respect to the need of such program and the service to the community.

CHAPTER 1190

An act to add Section 2100 to the Education Code, relating to junior colleges, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 2100 is added to the Education Code, to read:

2100. An agreement to the annexation of a high school or unified district to a contiguous junior college district may include, as a term or condition for such annexation, the collection of a sum of money upon annexation, from within the area of the annexed district, for capital outlay purposes; and such condition shall be considered an inherent part of the annexation agreement and shall not be construed as a separate proposition. For purposes of raising this sum, the maximum tax rate for junior college purposes within any district which has been annexed to a contiguous junior college district pursuant to Chapter 3 (commencing with Section 2091) of Division 5 is hereby increased by such amount as will produce within 10 fiscal years the sum included in any annexation agreement between the two districts. Any funds collected from such an increase shall be deposited to the credit of the junior college district for expenditure for purposes authorized by law.

In addition to the words to be contained on the ballot pursuant to Section 2098, the ballot used in the election shall con-

tain a statement that the maximum tax rate within the annexed districts will be increased by a specified amount as will produce the sum included in the annexation agreement.

The increase provided by this section shall not exceed fifteen cents ($0.15) for each one hundred dollars ($100) of the assessed value of the property within the high school or unified district, and the increase shall be in addition to any other school district tax authorized by law to be levied.

The increase provided by this section shall remain in effect until the 10th consecutive fiscal year following the effective date of the annexation, or until such time as the sums agreed to in the annexation agreement referred to herein have been collected by the junior college district, from within the annexed school district, whichever period occurs first.

This section shall not apply whenever Section 2099 applies.

SEC. 1.5. If an annexation pursuant to the provisions of Chapter 3 (commencing with Section 2091) of Division 5 of the Education Code is subject to an annexation agreement which includes, as a term or condition for such annexation, the collection of a sum of money upon annexation, from within the area of the annexed district, for capital outlay purposes, and the election approving such annexation is held in 1969 prior to March 1, 1969, the annexation shall be deemed effective for all purposes on July 1, 1969, notwithstanding the provisions of Section 1704 of the Education Code.

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

It is necessary that the act go into effect immediately since certain unified school districts which are not in junior college districts must take immediate steps to become a part of a junior college district in order for the necessary elections to be held so that the unified district may be a part of the junior college districts on July 1, 1969.

CHAPTER 1191

An act to add Section 930.1 to the Unemployment Insurance Code, relating to unemployment insurance.

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

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

SECTION 1. Section 930.1 is added to the Unemployment Insurance Code, to read:

930.1. For the purpose of determining whether an employer has paid remuneration with respect to employment in

excess of the limitation prescribed by Section 930 to an individual during any calendar year, such remuneration shall be deemed to include any remuneration paid to such individual by the employer for services constituting employment under the unemployment compensation law of another state which the employer has reported to the other state as wages for contribution purposes. As used in this section, "remuneration" does not include the remuneration of the type described in Sections 931, 932, 933, 934, 935, 936, and 937 when paid by the employer in another state.

SEC. 2. The provisions of Section 930.1 of the Unemployment Insurance Code as added by this act shall be operative January 1, 1969, and shall apply to remuneration paid beginning with the rating period of the calendar year 1969, and shall not be applicable to contributions paid for any prior rating period.

CHAPTER 1192

An act to amend Sections 16 and 17 of, and to add Sections 19c, 19d, and 1042.5 to, the Penal Code and to amend Sections 1803, 2261, 2418, 8008, 12951, 22950, 22952, 29200, 29800, 31530, 31540, 34506, 35784, 35790, 40000, 40306, 40307, 40508, 40509, 42001, 42003 of, and to repeal Sections 2418, 40004, 42004, and 42005 of, and to add Sections 40004, 42004, 42005, and 42201.5 to, the Vehicle Code, relating to infractions.

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

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

SECTION 1. Section 16 of the Penal Code is amended to read:

16. Crimes and public offenses include:

1. Felonies;

2. Misdemeanors; and

3. Infractions.

SEC. 2. Section 17 of the Penal Code is amended to read:

17. A felony is a crime which is punishable with death or by imprisonment in the state prison. Every other crime or public offense is a misdemeanor except those offenses that are classified as infractions. When a crime, punishable by imprisonment in the state prison, is also punishable by fine or imprisonment in a county jail, in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the state prison. Where a court commits a defendant to the Youth Authority upon conviction of a crime punishable, in the discretion of the court, by imprisonment in the state

prison or fine or imprisonment in a county jail, the crime shall be deemed a misdemeanor.

Where a court grants probation to a defendant without imposition of sentence upon conviction of a crime punishable in the discretion of the court by imprisonment in the state prison or imprisonment in the county jail, the court may at the time of granting probation, or, on application of defendant or probation officer thereafter, declare the offense to be a misdemeanor.

SEC. 3. Section 19c is added to the Penal Code, to read:

19c. An infraction is not punishable by imprisonment. A person charged with an infraction shall not be entitled to a trial by jury. A person charged with an infraction shall not be entitled to have the public defender or other counsel appointed at public expense to represent him unless he is arrested and not released on his written promise to appear, his own recognizance, or a deposit of bail.

SEC. 4. Section 19d is added to the Penal Code, to read:

19d. Except as otherwise provided by law, all provisions of law relating to misdemeanors shall apply to infractions, including but not limited to powers of peace officers, jurisdiction of courts, periods for commencing action and for bringing a case to trial and burden of proof.

SEC. 5. Section 1042.5 is added to the Penal Code, to read:

1042.5. Trial of an infraction shall be by the court, but when a defendant has been charged with an infraction and with a public offense for which there is a right to jury trial and a jury trial is not waived, the court may order that the offenses be tried together by jury or that they be tried separately with the infraction being tried by the court either in the same proceeding or a separate proceeding as may be appropriate.

SEC. 5.1. Section 1803 of the Vehicle Code is amended to read:

1803. (a) Every clerk of a court, or judge if there be no clerk, in which a person was convicted for any violation of this code, and of any narcotic offense under Division 10 (commencing with Section 11000) of the Health and Safety Code, and of any violation of any other statute relating to the safe operation of vehicles, shall prepare within 10 days after conviction and immediately forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted which abstract must be certified by the person so required to prepare the same to be true and correct.

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) Violations of Section 22500, 22502, 22503, 22508, and 22514 relating to the parking of vehicles, and violations for which a person was cited as a pedestrian or while operating a bicycle, are not required to be reported under (a) above.

(c) If the court impounds a license or orders a person to

limit his driving pursuant to subdivision (c) of Section 40508, the court shall notify the department concerning the impoundment or limitation on an abstract prepared pursuant to subdivision (a) of this section or on a separate abstract, which shall be prepared within 10 days after the impoundment or limitation was ordered and immediately forwarded to the department at its office in Sacramento.

SEC. 5.2. Section 2261 of the Vehicle Code is amended to read:

2261. A uniform substantially similar to the official uniform of members of the California Highway Patrol shall not be worn by any other law enforcement officer or by any other person except duly appointed members of the California Highway Patrol and persons authorized by the commissioner to wear such uniform in connection with a program of entertainment. A uniform shall be deemed substantially similar to the uniform of the California Highway Patrol if it so resembles such official uniform as to cause an ordinary reasonable person to believe that the person wearing the uniform is a member of the California Highway Patrol.

SEC. 5.3. Section 2418 of the Vehicle Code is amended to read:

2418. (a) The department, after consultation with and pursuant to the recommendations of the State Department of Public Health, shall adopt and enforce such reasonable regulations as it determines are necessary for the public health and safety regarding the operation and equipment of all ambulances used for emergency services. The department shall exempt, upon request of the county board of supervisors that such exemption is necessary for public health and safety, noncommercial ambulances operated within the county from such regulations adopted under this section as are specified in the board of supervisors' request. The State Department of Public Health shall be notified by the county boards of supervisors of any such exemptions.

This section shall not preclude the adoption of more restrictive regulations by local authorities.

(b) It is unlawful to fail to comply with any provision of the regulations adopted by the department.

SEC. 5 35. Section 2418 of the Vehicle Code is repealed.

SEC. 5.5. Section 8008 of the Vehicle Code is amended to read:

8008. Whenever the commission has entered into agreements or arrangements regarding the administration and control of proportional registration in this state of fleets of vehicles registered in foreign states or jurisdictions which agreements or arrangements also grant registration reciprocity for vehicles from such states which are not included in fleets eligible for proportional registration, the commission may, by regulation, require that vehicles operated in this state under a claim of registration exemption by virtue of such reciprocity be identified by a reciprocity permit. Any reciprocity permit

regulation shall be administered by the department and shall be so designed as to enable the department to determine which vehicles operated in this state under such agreements or arrangements are validly entitled to reciprocal registration exemption. The reciprocity permit, when required, shall be carried in the cab of the motor vehicle for which it was issued or, if a nonmotor vehicle, may be carried thereon or in the cab of the vehicle supplying the motive power therefor. It is unlawful to operate any vehicle contrary to the provisions of this section and the vehicle shall be either registered in this state or qualified under statutory provisions for temporary registration or trip permit.

Whenever the department has determined that a holder of a reciprocity permit or applicant therefor is not entitled to reciprocal registration exemption such permit shall either be canceled or the department shall refuse its issuance and vehicles of such permittee or applicant shall be required to comply with the vehicle registration laws of this state.

SEC. 6. Section 12951 of the Vehicle Code is amended to read:

12951. (a) The licensee shall have the license issued to him in his immediate possession at all times when driving a motor vehicle upon a highway.

Any charge under this subdivision shall be dismissed when the person charged produces in court a driver's license duly issued to such person and valid at the time of his arrest, except that upon a third or subsequent charge the court in its discretion may dismiss the charge. When a temporary, interim, or duplicate driver's license is produced in court, the charge shall not be dismissed unless the court has been furnished proof by the Department of Motor Vehicles that such temporary, interim, or duplicate license was issued prior to the arrest, that the driving privilege and license had not been suspended or revoked, and that the person was eligible for such temporary, interim, or duplicate license.

(b) The driver of a motor vehicle shall present his license for examination upon demand of a peace officer enforcing the provisions of this code.

SEC. 7. Section 22950 of the Vehicle Code is amended to read:

22950. Every person engaged in the operation of offstreet parking facilities is guilty of a violation, who:

(a) Fails to keep a schedule of his parking charges prominently displayed so as to be readily ascertainable by his patrons. Charges shall be for an hourly or half-hourly period and for half-hour or greater periods after the first hour or half-hour.

(b) Charges or attempts to charge a patron an additional fee for the use of his facilities for a period of six minutes or less in excess of the period for which a particular fee is charged. The half-hour fee shall be charged for the use of the facilities for a period of more than six minutes and less than

30 minutes in excess of the period for which a particular fee is charged.

This subdivision does not apply unless the charges exceed twenty-five cents ($0.25) per hour or portion thereof.

(c) Increases or attempts to increase the fee charged a patron for the use of his parking facilities within the period during which the patron is using the parking facilities, unless the schedule of parking charges displayed at the time the patron commences to use the facilities indicates the increased charges and the periods during which they are in effect.

(d) Fails to post the closing hour of his parking facilities.

The provisions of this section shall be applicable only in cities having a population of over 2,000,000 inhabitants.

SEC. 8. Section 22952 of the Vehicle Code is amended to read:

22952. Every person engaged in the operation of off-street parking facilities is guilty of a violation, who:

(a) Tows or removes or authorizes the towing and removal of any vehicle within 24 hours of the expiration of the period for which a particular fee is charged. This subdivision shall not affect or limit any parking lot operator from charging parking fees in accordance with his posted schedule for the additional time such vehicle is parked.

(b) Tows or removes or authorizes the towing and removal of any vehicle when such parking facilities are held open for public use and there was no attendant on duty or other facilities permitting the patron to pay or remit the parking charges at the time such vehicle was first parked. This subdivision shall not affect or limit any parking lot operator from charging parking fees in accordance with his posted schedule for the time such vehicle is parked.

SEC. 9. Section 29200 of the Vehicle Code is amended to read:

29200. (a) The department shall adopt regulations relating to the safe loading, securement and transporting of logs and poles.

(b) In adopting these regulations the department shall consider the type of vehicle to be used, the construction of loads, and the types of binders, stakes and restraining devices required to securely contain the load.

(c) It is unlawful to fail to comply with any provision of these regulations.

SEC. 9.1. Section 29800 of the Vehicle Code is amended to read:

29800. (a) The department shall adopt regulations relating to the safe loading, securement and transporting of lumber and lumber products including, but not limited to, ties, laths, grapestakes, fenceposts, plywood and shingles.

(b) In adopting these regulations the department shall consider the type of vehicle to be used, the construction of loads and the type of binders, stakes and restraining devices required to contain the load.

(c) It is unlawful to fail to comply with any provision of these regulations.

SEC. 9.2. Section 31530 of the Vehicle Code is amended to read:

31530. (a) The department shall adopt and enforce regulations relating to the safe loading, securement, and transportation of loads consisting of in excess of 100 empty wooden boxes not exceeding any of the following dimensions: 36 inches in length, 24 inches in width and 12 inches in height.

(b) It is unlawful to fail to comply with any provision of the regulations adopted by the department.

SEC. 9.3. Section 31540 of the Vehicle Code is amended to read:

31540. (a) The department shall adopt and enforce such regulations as it determines are necessary for public safety regarding the transportation of:

(1) Freight van or tank containers which can be removed from the running gear or chassis of a truck or trailer, and

(2) Collapsible containers used to transport liquids on flatbed vehicles.

(b) It is unlawful to fail to comply with any provision of the regulations adopted by the department.

SEC. 9.4. Section 34506 of the Vehicle Code is amended to read:

34506. It is unlawful to fail to comply with any rule or regulation adopted by the Department of the California Highway Patrol.

SEC. 10. Section 35784 of the Vehicle Code is amended to read:

35784. It is unlawful for any person to violate any of the terms or conditions of any such special permit, except that in an incorporated city where compliance with the route described in the permit would result in a violation of local traffic regulations the permittee may detour from the prescribed route to avoid such violation provided that the permittee returns as soon as possible to the prescribed route. A detour under this section shall be made on only nonresidential streets.

SEC. 10.3. Section 35790 of the Vehicle Code is amended to read:

35790. (a) The Department of Public Works or local authorities with respect to highways under their respective jurisdictions may upon application in writing and if good cause appears issue a special or annual permit in writing authorizing the applicant to move any trailer coach in excess of the maximum width but not exceeding 10 feet in width, exclusive of lights and devices provided for in Sections 35112, 35109, and 35110, upon any highway under the jurisdiction of the party granting such permit.

(b) A public agency in the exercise of its discretion in granting permits for the movement of overwidth trailer coaches, and in considering the individual circumstances of

each case, may use merchandising or relocation of residence as a basis for movement for good cause.

(c) The application for a special permit shall specifically describe the trailer coach to be moved and the particular highways over which the permit to operate is requested, and whether the permit is requested for a single trip or for continuous operation.

The application for an annual permit shall specifically describe the power unit to be used to tow the overwidth trailers and the particular highways over which the permit to operate is requested. The annual permit shall be subject to all of the conditions of this section and any additional conditions imposed by the public agency.

(d) The Department of Public Works or local authority is authorized to establish seasonal or other time limitations within which a trailer coach may be moved on the highways indicated, and may require an undertaking or other security as may be deemed necessary to protect the highways and bridges from injury or to provide indemnity for any injury resulting from the operation.

(e) Permits for the movement of trailer coaches as provided for in this section may not be issued except to licensed manufacturers, dealers and transporters and only under the following conditions:

1. The power unit used to tow overwidth trailers having a gross weight of 18,000 pounds or less must be a three-quarter-ton truck or tractor, or a truck or tractor of greater power, equipped with dual wheels. The power unit used to tow an overwidth trailer having a gross weight of more than 18,000 pounds must be a ton-and-one-half truck or tractor or truck or tractor of greater power, equipped with dual wheels.

2. The trailer coach for which the permit is issued shall comply with the provisions of Sections 35550 and 35551 of this code.

3. A permit which has been issued for the movement of any trailer coach shall not be valid between sunset and sunrise of the following day, nor between sunset on Friday to sunrise on Monday following, nor on any days declared to be legal holidays by the state.

(f) The Department of Public Works or local authority shall have the authority to establish additional reasonable permit regulations as they may deem necessary in the interest of public safety, which regulations shall be consistent with this section.

(g) Every permit shall be carried in the trailer coach or power unit to which it refers and shall be open to inspection of any peace officer or traffic officer, any authorized agent of the Department of Public Works or any other officer or employee charged with the care and protection of the highways.

(h) It is unlawful for any person to violate any of the terms or conditions of any such permit.

(i) To the extent that the application of this section to highways which are a part of the National System of Interstate and Defense Highways (as referred to in subdivision (a) of Section 108 of the Federal-Aid Highway Act of 1956) would cause this state to be deprived of any federal funds for highway purposes, this section to such extent shall not be applicable to highways which are a part of such system.

SEC. 10.5. Section 40000 of the Vehicle Code is amended to read:

40000. It is unlawful and constitutes an infraction for any person to violate, or to fail to comply with, any provision of this code, or any local ordinance adopted pursuant to this code, except:

(a) A violation expressly declared to be a felony, or a public offense which is punishable either as a felony or misdemeanor.

(b) A violation of any of the following provisions, which shall constitute a misdemeanor:

Section 20, relating to false statements.

Section 27, relating to impersonating a member of the California Highway Patrol.

Section 31, relating to giving false information.

Section 2800, relating to failure to obey an officer's lawful order or submit to a lawful inspection.

Section 2801, relating to failure to obey a fireman's lawful order.

Section 2803, relating to unlawful vehicle or load.

Section 5901, relating to dealers giving notice.

Section 10501, relating to false report of vehicle theft.

Sections 10750 and 10751, relating to altered or defaced vehicle identifying numbers.

Section 10851.5, relating to theft of binder chains.

Sections 10852 and 10853, relating to injuring or tampering with a vehicle.

Section 10854, relating to unlawful use of stored vehicle.

Division 5 (commencing with Section 11100), relating to occupational licensing and business regulations.

Section 12500(a), relating to unlicensed drivers.

Section 12951(b), relating to refusal to display license.

Section 14601, relating to driving when suspended.

Section 14610, relating to unlawful use of driver's license.

Section 20002, relating to duties at accidents.

Division 11 (commencing with Section 21000) except Chapters 1 (commencing with Section 21000), 9 (commencing with Section 22500), 10 (commencing with Section 22650), and 11 (commencing with Section 22950).

Division 14 (commencing with Section 31600), relating to transportation of explosives.

Division 14.5 (commencing with Section 33000), relating to transportation of radioactive materials.

Division 14.7 (commencing with Section 34001), relating to flammable liquids.

Section 40005, relating to owner's responsibility.
Section 40504, relating to false signatures.
Section 40508, relating to failure to appear or to pay fine.
Section 42003, relating to violation of a written promise.
Section 42005, relating to failure to attend traffic school.

SEC. 11. Section 40004 of the Vehicle Code is repealed.

SEC. 12. Section 40004 is added to the Vehicle Code, to read:

40004. (a) The period for commencing criminal action against any person having filed or caused to be filed any false, fictitious, altered, forged or counterfeit document with the Department of Motor Vehicles or the Department of the California Highway Patrol shall, if the offense is a misdemeanor, expire one year from time of discovery of such act.

(b) The period for commencing criminal action against any person having filed or caused to be filed any false, fictitious, altered, forged or counterfeit document with the Department of Motor Vehicles or the Department of the California Highway Patrol shall, if the offense is a felony, expire three years from time of discovery of such act.

(c) The time allowed for commencing criminal proceedings as provided in subdivisions (a) and (b) of this section shall not extend beyond five years from the date of commission of the act.

SEC. 13. Section 40306 of the Vehicle Code is amended to read:

40306. (a) Whenever a person is arrested for a misdemeanor or an infraction and is taken before a magistrate, the arresting officer shall file with the magistrate a complaint stating the offense with which the person is charged.

(b) The person taken before a magistrate shall be entitled to at least five days continuance of his case in which to plead and prepare for trial and the person shall not be required to plead or be tried within the five days unless he waives such time in writing or in open court.

(c) The person taken before a magistrate shall thereupon be released from custody upon his own recognizance or upon such bail as the magistrate may fix.

SEC. 14. Section 40307 of the Vehicle Code is amended to read:

40307. (a) When an arresting officer attempts to take a person arrested for a misdemeanor or infraction before a magistrate and the magistrate or person authorized to act for him is not available, the arresting officer shall take the person arrested before the clerk of the magistrate or the officer in charge of the most accessible county jail, city jail, or other place of detention within the county, who shall admit him to bail in accordance with a schedule, fixed as provided in Section 1269(b) of the Penal Code.

SEC. 15. Section 40508 of the Vehicle Code is amended to read:

40508. (a) Any person willfully violating his written promise to appear in court or before a person authorized to receive a deposit of bail is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

(b) Any person willfully failing to pay a lawfully imposed fine for a violation of any provision of this code or a local ordinance adopted pursuant to this code within the time authorized by the court and without lawful excuse having been presented to the court on or before the date the fine is due is guilty of a misdemeanor regardless of the full payment of the fine after such time.

(c) If a person convicted of an infraction fails to pay a fine or any installment thereof within the time authorized by the court, the court may, except as otherwise provided in this paragraph, impound the person's driver's license and order him not to drive for a period not to exceed 30 days. Before returning the license to the person the court shall endorse on the reverse side of the license that the person was ordered not to drive, the period for which such order was made, and the name of the court making the order. If the defendant satisfies the court that impounding his driver's license and ordering him not to drive will affect his livelihood, the court shall order that the person limit his driving for a period not to exceed 30 days to such driving as is essential in the court's determination to the person's employment, including his driving to and from his place of employment if other means of transportation are not reasonably available. The court shall provide for the endorsement of such limitation on the person's license. The impounding of the license and ordering the person not to drive or the order limiting the person's driving does not constitute a suspension of the license, but a violation of the order constitutes contempt of court.

SEC. 15.5. Section 40509 of the Vehicle Code is amended to read:

40509. (a) Whenever any person has for a period of 15 or more days willfully violated his written promise to appear in court or before the person authorized to receive a deposit of bail or willfully violated his written promise to appear in court or to pay a fine pursuant to subdivision (a) of Section 42003 of this code, the magistrate or clerk of the court before whom the defendant so promised to appear shall give notice of such fact to the department not more than 60 days after issuance of the warrant. Whenever thereafter the case in which such promise was given is adjudicated the magistrate or clerk of the court hearing the case shall file with the department a certificate showing that the case has been adjudicated.

(b) Whenever any person has for a period of 15 or more days willfully failed to pay a lawfully imposed fine for a violation of any provision of Division 11 (commencing with Section 21000) of this code within the time authorized by the court, the magistrate or clerk of such court shall give

notice of such fact to the department after the issuance of a warrant, and after it has been determined that service of such warrant cannot be had. Whenever thereafter the fine is fully paid, the magistrate or clerk of such court shall file with the department a certificate showing that the fine has been paid.

SEC. 16. Section 42001 of the Vehicle Code is amended to read:

42001. (a) Every person convicted of an infraction for a violation of this code or of any local ordinance adopted pursuant to this code shall be punished upon a first conviction by a fine not exceeding fifty dollars ($50) and for a second conviction within a period of one year by a fine of not exceeding one hundred dollars ($100) and for a third or any subsequent conviction within a period of one year by a fine of not exceeding two hundred fifty dollars ($250).

(b) Every person convicted of a misdemeanor violation of Division 10 (commencing with Section 20000), Division 11 (commencing with Section 21000), except Chapter 13 (commencing with Section 23250) and except Section 21461 as it applies to vehicular crossings, and Sections 2800, 2801, and 2803 insofar as they affect failure to stop and submit to inspection of equipment or for an unsafe condition endangering any person, except where a different penalty is expressly provided in said provisions, shall be punished upon a first conviction by a fine not exceeding fifty dollars ($50) or by imprisonment in the county jail for not exceeding five days and for a second conviction within a period of one year by a fine of not exceeding one hundred dollars ($100) or by imprisonment in the county jail for not exceeding 10 days, or by both such fine and imprisonment and for a third or any subsequent conviction within a period of one year by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment.

This section shall have no application to Article 2 (commencing with Section 42030) of Chapter 1 of this division relating to weight violations.

SEC. 17. Section 42003 of the Vehicle Code is amended to read:

42003. (a) A judgment that a person convicted of an infraction be punished by a fine may also provide for the payment to be made within a specified time or in specified installments, contingent upon the person giving his written promise either to pay the fine as provided or to appear in court on the due date. Any person who willfully violates his written promise is guilty of a misdemeanor.

(b) A judgment that a person convicted of any other violation of this code be punished by a fine may also order, adjudge and decree that the person be imprisoned until the fine is satisfied. In every such case, the judgment shall specify the extent of the imprisonment which shall not exceed one day for every five dollars ($5) of the fine, nor extend in any

such case beyond the term for which the defendant might be sentenced to imprisonment for the offense of which he was convicted.

SEC. 18. Section 42004 of the Vehicle Code is repealed.

SEC. 19. Section 42004 is added to the Vehicle Code, to read:

42004. For the purpose of determining the penalty to be imposed pursuant to this code, the court may consider a written report from the Department of Motor Vehicles containing information from its records showing prior convictions; and the communication is prima facie evidence of such convictions, if the defendant admits them, regardless of whether or not the complaint commencing the proceedings has alleged prior convictions.

For the purpose of this chapter a prior bail forfeiture shall be deemed to be a conviction of the offense charged.

SEC. 20. Section 42005 of the Vehicle Code is repealed.

SEC. 21. Section 42005 is added to the Vehicle Code, to read:

42005 The court may order any person convicted of a traffic violation to attend a school for traffic violators for instruction in the operation of a motor vehicle consistent with the provisions of this code. Any person who willfully fails to comply with such order is guilty of a misdemeanor.

SEC. 22. Section 42201.5 is added to the Vehicle Code, to read:

42201.5. Fines, forfeitures, and deposits of bail collected as a result of a charge or conviction of an infraction shall be deposited and distributed in the same manner as fines, forfeitures, and deposits of bail collected from a person charged with or convicted of a misdemeanor.

SEC. 23. The provisions of this act shall become operative on January 1, 1969, and shall apply to all violations committed on or after that date. Any violation committed before January 1, 1969, shall be governed by the provisions of law that were in effect at the time the violation was committed.

SEC. 24. Section 5.35 of this act shall become operative only if Assembly Bill No. 1320 is enacted by the Legislature at its 1968 Regular Session and in such case at the same time as Assembly Bill No. 1320 takes effect; at which time Section 2418 of the Vehicle Code as amended by Section 5.3 of this act is repealed.

CHAPTER 1193

An act to add Section 13723.2 to the Education Code, relating to classified positions in merit system school districts.

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

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

SECTION 1. Section 13723.2 is added to the Education Code, to read:

13723.2. The governing board shall fix the duties of all positions a part of the classified service as required by Section 13582. The board may recommend the minimum educational and work experience requirements for classified positions to the personnel commission. Minimum qualification requirements shall be subject to approval of the commission.

In approving minimum educational and work experience requirements for classified positions, the commission shall insure that such requirements reasonably relate to the duties of the position, as established by the governing board, and that they will admit an adequate field of competition. No requirements may be approved which unduly or unreasonably restrict the field of competition.

The position duties and qualification requirements for the position class shall be prepared and approved, as required by this section, prior to issuance of an announcement calling for a competitive examination to fill position vacancies.

This section shall not be applicable to a school district with an average daily attendance of 400,000 or more, or to a junior college district which includes the territory of a city with a population of 4,000,000 or more persons.

CHAPTER 1194

An act to amend Sections 19010, 19011, 19017, 19035.1, 19051, 19052, and 19170 of, and to add Section 19010.1 to, the Business and Professions Code, relating to furniture and bedding.

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

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

SECTION 1. Section 19010 of the Business and Professions Code is amended to read:

19010. "Bedding renovator" means a person who repairs, makes over, re-covers, restores, renovates or renews bedding.

SEC. 2. Section 19010.1 is added to the Business and Professions Code, to read:

19010.1. "Custom upholsterer" means a person who, either by himself or through employees or agents, repairs, reupholsters, re-covers, restores, or renews upholstered furniture, or who makes to order and specification of the user any article of upholstered furniture, using either new materials or owner's materials.

SEC. 2.5. Section 19011 of the Business and Professions Code is amended to read:

19011. "Manufacturer" means a person who, either by himself or through employees or agents, makes any article of upholstered furniture or bedding in whole or in part, or who does the upholstery or covering of any unit thereof, using either new or secondhand material. "Manufacturer" does not, however, include a "custom upholsterer," as defined in Section 19010.1.

SEC. 3. Section 19017 of the Business and Professions Code is amended to read:

19017. "Owner's material" means any article or material belonging to a person for his own, or tenant's use, that is sent to any manufacturer, bedding renovator, or custom upholsterer to be repaired or renovated, or used in repairing or renovating.

SEC. 4. Section 19035.1 of the Business and Professions Code is amended to read:

19035.1. One member of the board shall be a bedding manufacturer, one member shall be an upholstered-furniture manufacturer, two members shall be retailers, one member shall be a supply dealer, one member shall be a sterilizer, and one member shall represent the public at large. All of the members, except the member representing the public at large, shall have been actively engaged and licensed as a manufacturer, custom upholsterer, retailer, supply dealer, or sterilizer, as the case may be, for a period of not less than five years immediately preceding the date of their appointment and shall continue to be so engaged and licensed during the terms of their office.

SEC. 5. Section 19051 of the Business and Professions Code is amended to read:

19051. Every upholstered-furniture retailer, unless he holds a furniture manufacturer's license, a wholesale furniture dealer's license, or a custom upholsterer's license, shall hold a retail furniture dealer's license.

SEC. 6. Section 19052 of the Business and Professions Code is amended to read:

19052. Every custom upholsterer, unless he holds a furniture manufacturer's license, shall hold a custom upholsterer's license bearing a registry number assigned by the bureau.

Persons holding a valid furniture repairer's license on the effective date of the amendment made to this section at the 1968 Regular Session of the Legislature, may operate under such license until the renewal date thereof at which time the bureau shall issue a custom upholsterer's license, if the person is entitled to have his license renewed.

SEC. 7. Section 19170 of the Business and Professions Code is amended to read:

19170. (a) The fee imposed for the issuance and for the renewal of each license granted under this chapter shall be set by the chief, with the approval of the director, at a sum not more nor less than that shown in the following table:

	Maximum fee	Minimum fee
Furniture manufacturer's license	$120	$40
Wholesale furniture dealer's license	120	40
Bedding manufacturer's license	120	40
Wholesale bedding dealer's license	120	40
Supply dealer's license	120	40
Custom upholsterer's license	80	20
Bedding renovator's license	80	20
Sterilizer's license	80	20
Retail furniture dealer's license	20	4
Retail bedding dealer's license	20	4

(b) A person who has paid the required fee and who is duly licensed as a furniture manufacturer, a custom upholsterer, a bedding manufacturer or a bedding renovator under this chapter shall not be required to pay, in addition, the fee prescribed herein for a sterilizer's license.

CHAPTER 1195

An act to amend Sections 12810, 14601.5, and 40303 of, to add Sections 14601 and 14601.1 to, and to repeal Sections 13364 and 14601 of, the Vehicle Code, relating to suspension or revocation of driver's license.

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

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

SECTION 1. Section 12810 of the Vehicle Code is amended to read:

12810. In determining the violation point count, any conviction under Section 20002, 23102, 23103, or 23104 of this code shall be given a value of two points and any other traffic conviction involving the safe operation of a motor vehicle upon the highway shall be given a value of one point; provided, that conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

Any person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months or eight or more points in 36 months shall be

prima facie presumed to be a negligent operator of a motor vehicle.

Any accident in which the operator is deemed by the department to be responsible shall be given a value of one point.

In applying the provisions of this section to a driver, the department shall give due consideration to the amount of use or mileage traveled in the operation of a motor vehicle.

SEC. 2. Section 13364 of the Vehicle Code is repealed.

SEC. 3. Section 14601 of the Vehicle Code is repealed.

SEC. 4. Section 14601 is added to the Vehicle Code, to read:

14601. (a) No person shall drive a motor vehicle upon a highway at any time when his driving privilege is suspended or revoked for reckless driving, driving while under the influence of alcohol, drugs or narcotics, under the combined influence of alcohol, drugs or narcotics, any reason listed in subdivisions (b) through (f) of Section 12805 requiring the department to refuse to issue a license, negligent or incompetent operation of a motor vehicle as prescribed in subdivision (e) of Section 12809, or negligent operation as prescribed in Section 12810, and the person so driving has knowledge of such suspension or revocation.

(b) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than five days nor more than six months and by fine of not more than five hundred dollars ($500), and upon a second or any subsequent conviction, within seven years of a prior conviction, by imprisonment in the county jail for not less than 10 days nor more than one year and by fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment.

(c) If any person is convicted of a second or subsequent offense under this section within seven years of a prior conviction and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 10 days.

SEC. 4.5. Section 14601.1 is added to the Vehicle Code, to read:

14601.1. (a) No person shall drive a motor vehicle on a highway when his driving privilege is suspended or revoked for any reason other than those listed in Section 14601 when the person so driving has knowledge of either such fact.

(b) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not more than six months or by fine of not more than five hundred dollars ($500) or by both such fine and imprisonment, and upon a second or any subsequent conviction under this section or Section 14601, within seven years of a prior conviction, by imprisonment in the county jail for not less than five days nor more than one year and by fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment.

SEC. 5. Section 14601.5 of the Vehicle Code is amended to read:

14601.5. The judge may, in his discretion, allow any person convicted of a violation of Section 14601 or 14601.1 to serve his sentence on a sufficient number of consecutive weekend days to complete the sentence.

SEC. 6. Section 40303 of the Vehicle Code is amended to read:

40303. Whenever any person is arrested for any of the following offenses and the arresting officer is not required to take the person without unnecessary delay before a magistrate, the arrested person shall, in the judgment of the arresting officer, either be given a 10 days' notice to appear as herein provided or be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made.

(a) Section 10852 or 10853, relating to injuring or tampering with a vehicle.

(b) Section 23103 or 23104, relating to reckless driving.

(c) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to an inspection or test of the lights upon the vehicle under Section 2804 hereof, which is punishable as a misdemeanor.

(d) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to a brake test which is punishable as misdemeanor.

(e) Sections 2800 and 2803, relating to the refusal to submit vehicle and load to a weighing which is punishable as a misdemeanor.

(f) Section 20002, relating to failure to stop in the event of an accident involving damage to property.

(g) Section 23109, relating to participating in speed contests or exhibition of speed.

(h) Sections 14601 and 14601.1, relating to driving while license is suspended or revoked.

(i) When the person arrested has attempted to evade arrest.

(j) Section 23332, relating to persons upon vehicular crossings.

(k) Section 2813, relating to the refusal to stop and submit a vehicle to an inspection of its size, weight, and equipment.

SEC. 7. Section 14601 is added to the Vehicle Code, to read:

14601. (a) No person shall drive a motor vehicle upon a highway at any time when his driving privilege is suspended or revoked for reckless driving, driving while under the influence of alcohol, drugs or narcotics, under the combined influence of alcohol, drugs or narcotics, any reason listed in subdivisions (b) through (f) of Section 12805 requiring the department to refuse to issue a license, negligent or incompetent operation of a motor vehicle as prescribed in subdivision (e) of Section 12809, or negligent operation as prescribed in

Section 12810, and the person so driving has knowledge of such suspension or revocation. Knowledge shall be presumed if notice has been given by the department to such person. The presumption established by this subdivision is a presumption affecting burden of proof.

(b) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than five days nor more than six months and by fine of not more than five hundred dollars ($500), and upon a second or any subsequent conviction, within seven years of a prior conviction, by imprisonment in the county jail for not less than 10 days nor more than one year and by fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment.

(c) If any person is convicted of a second or subsequent offense under this section within seven years of a prior conviction and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 10 days.

SEC. 8. Section 14601.1 is added to the Vehicle Code, to read:

14601.1. (a) No person shall drive a motor vehicle on a highway when his driving privilege is suspended or revoked for any reason other than those listed in Section 14601 when the person so driving has knowledge of either such fact. Knowledge shall be presumed if notice has been given by the department to such person. The presumption established by this subdivision is a presumption affecting the burden of proof.

(b) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not more than six months or by fine of not more than five hundred dollars ($500) or by both such fine and imprisonment, and upon a second or any subsequent conviction under this section or Section 14601, within seven years of a prior conviction, by imprisonment in the county jail for not less than five days nor more than one year and by fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment.

SEC. 9. Sections 7 and 8 of this act shall become operative only if Assembly Bill 1478 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Assembly Bill 1478 becomes operative, at which time Sections 14601 and 14601.1 of the Vehicle Code, as added by Sections 4 and 4 5 of this act, are repealed.

CHAPTER 1196

An act to amend Section 23787 of the Business and Professions Code, relating to alcoholic beverages.

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

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

SECTION 1. Section 23787 of the Business and Professions Code is amended to read:

23787. The department shall, before issuing any on-sale license for the sale of alcoholic beverages to be consumed or otherwise disposed of in any bona fide public eating place, determine whether the public eating place is equipped and maintained in good faith for sales to and consumption by the public of meals upon the premises. A hotel or motel of 75 rooms or more or a bowling center of 12 lanes or more, which hotel, motel or bowling center is licensed and so equipped and maintained may sublet the sale and service of the meals required by Section 23038. Provided, however, that the licensee shall be responsible for any violations of this division caused or permitted by the lessee on the licensed premises.

Nothing in this section shall preclude the renewal, transfer, or issuance of an on-sale general license to any premises equipped and maintained in good faith for sales to and consumption by members of the public of meals upon the premises even though the operation of such premises is limited solely to the service of meals and beverages at prearranged events of a social or business nature and where admission is by ticket only.

CHAPTER 1197

An act to amend Section 28129 of the Government Code, relating to county salaries.

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

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

SECTION 1. Section 28129 of the Government Code is amended to read:

28129. In a county of the 29th 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, sixteen thousand dollars ($16,000) a year.

(b) The district attorney, twenty-four thousand one hundred forty dollars ($24,140) a year. He shall devote his entire time to the work of the county and state and is prohibited from engaging in private work or practice.

(c) Each supervisor, eight thousand four hundred dollars ($8,400) a year for all services performed by him as supervisor and as ex officio member of the Board of Supervisors of the Napa County Flood Control and Water Conservation District, and his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid.

(d) Grand jurors and trial jurors in the superior court, five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court or in attending sessions of the grand jury, in going only. In criminal actions the fees and mileage of trial jurors shall be paid by the treasurer out of the general funds of the county upon warrants drawn by the auditor, who shall draw the warrants upon the written order of the judge of the superior court in which the jurors were in attendance. 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 28129 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 1198

An act to amend Section 17262 of, and to add Section 21702.5 to, the Education Code, relating to property valuation, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 17262 of the Education Code is amended to read:

17262. Any state department, board, or agency which allocates funds to any school district on the basis of the assessed valuation of property within the district, or which makes any computation on this basis for school building fund repayment purposes, shall average the factor certified for the current year under Section 17261 for the local roll of the county in which the district is located with the factors so certified for the two immediately preceding years. The department, board, or agency shall then modify that part of the valuation of the district shown on the local roll, other than any part of the valuation which was excluded under Section 17261, by application of this three-year average factor carried to three decimal

places, or by application of the factor for the current fiscal year, whichever factor is lowest. If a district is located in more than one county, this modification shall be made by applying the average factor or the single-year factor appropriate for the assessed value of the property upon the local roll of each county within which the district is located.

SEC. 2. Section 21702.5 is added to the Education Code, to read:

21702.5. For the purpose of the provisions of Sections 21702, 21703, and 21707 which require that the valuation as shown on the last equalized assessment roll be modified pursuant to Section 17262, the "current year" as used in Section 17262 shall be deemed to be the latest fiscal year for which there exists a last equalized county assessment roll as ascertained in accordance with Chapter 3 (commencing with Section 2050) of Part 3 of Division 1 of the Revenue and Taxation Code, and the term "two immediately preceding years" shall be deemed to be the two fiscal years immediately preceding the fiscal year for which such last equalized county assessment roll exists. Whenever in any year it becomes necessary to determine the modification under Sections 21702, 21703, and 21707, at a time between the date when the assessment roll for that year becomes the last equalized county assessment roll ascertained under Chapter 3 and the date when the factor for the current year is certified and becomes available, the factor for the current year shall be deemed to be 1.00.

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 changes made by this act are necessary in order to permit school districts to accurately determine modifications of assessed valuations utilized in calculating limitations on bonded indebtedness. These amendments are urgently needed, prior to the time when the county assessment rolls for 1968–1969 will be filed, in order to enable such school districts to borrow money urgently needed for the public schools.

CHAPTER 1199

An act to add Section 5226.1 to the Welfare and Institutions Code, relating to mental health.

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

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

SECTION 1. Section 5226.1 is added to the Welfare and Institutions Code, to read:

5226.1. If a judge of the municipal court issues an order for evaluation under conditions set forth in this article, proceedings on the criminal charge or charges then pending in the municipal court from which the order for evaluation issued shall be dismissed or suspended until such time as the evaluation of the defendant and the subsequent detention of the defendant, if any, are completed. Upon completion of the evaluation and detention, if any, the defendant shall be returned to the municipal court where the order for evaluation was made, and proceedings on the criminal charge or charges shall be resumed or dismissed.

SEC. 2. This act shall become operative on the same date as Section 36.5 of Chapter 1667 of the Statutes of 1967 becomes operative.

CHAPTER 1200

An act to amend Section 19587 of the Education Code, relating to school construction.

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

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

SECTION 1. Section 19587 of the Education Code is amended to read:

19587. There shall be allowed to each district a maximum area for the attendance units of the district in grades 9 to 12, inclusive, determined by computing, for the attendance units in grades 9 to 12, inclusive, at each attendance center of the district, a number of square feet for the number of attendance units in such grades at each attendance center, in accordance with the following table, and totaling the number of square feet so determined for all attendance units in such grades of all attendance centers of the district:

Attendance units of attendance center	Maximum number of square feet of building area
1–50	18,000
51–100	18,000 plus 162 for each attendance unit over 50
101–200	26,100 plus 99 for each attendance unit over 100
201–300	36,000 plus 60 for each attendance unit over 200
301–600	42,000 plus 54 for each attendance unit over 300
601–1,800	58,200 plus 80 for each attendance unit over 600
Over 1,800	154,200 plus 85 for each attendance unit over 1,800

CHAPTER 1201

An act to amend Sections 20021 and 20024.01 of the Government Code, relating to the Public Employees' Retirement System.

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

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

SECTION 1. Section 20024 of the Government Code is amended to read:

20024. 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 five 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 five consecutive years. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of five 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 or school district service and is also a member of the State Teachers' Retirement System, of a district retirement salary plan as provided in Chapter 5 (commencing with Section 14501) of Division 10, Part 2, of the Education Code, 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 or plan.

SEC. 2. 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 or school district service and is also a member of the State Teachers' Retirement System, of a district retirement salary plan as provided in Chapter 5 (commencing with Section 14501) of Division 10, Part 2, of the Education Code, 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 or plan.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 3. 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 or school district service and is also a member of the State Teachers' Retirement System, of a district retirement salary plan as provided in Chapter 5 (commencing with Section 14501) of Division 10, Part 2, of the Education Code, 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 or plan.

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. 4. Section 3 of this act shall become operative only if Assembly Bill No. 349 of the 1968 Regular Session is enacted by the Legislature at its 1968 Regular Session. In such case, Section 3 shall become operative at the same time as Assembly Bill No. 349 becomes operative at which time Section 2 of this act is repealed.

CHAPTER 1202

An act to add Section 6702.2 to, the Financial Code, relating to savings and loan associations.

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

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

SECTION 1. Section 6702.2 is added to the Financial Code, to read:

6702.2. An association may, subject to regulations of the commissioner, in addition to the 1 percent investment permitted under Section 6702.1, invest in, hold, buy, and sell capital stock obligations or other securities of: (a) any service corporation organized under the provisions of Section 6702.1, or; (b) any corporation or corporations organized under the laws of this state, by an association either individually or jointly with one or more domestic or federal savings and loan associations having their home offices in this state, which corporation shall be known as and be deemed to be a business development credit corporation as such term is used in subdivision (c) of Section 5 of the Home Owners' Loan Act of 1933, as amended. The additional investment of 1 percent authorized by this section in such corporations shall only be permitted on the condition that the investment be used or utilized in the following activities:

(a) Acquisition, construction, repair, and rehabilitation of properties designed for occupancy by the low- and moderate-income families in this state.

(b) Making loans upon the security of the real property, which is designed for occupancy by such low- and moderate-income families.

(c) Development of projects designed to improve housing conditions, secure proper maintenance of the occupied properties, and provide counseling services and employment opportunities for members of low- and moderate-income families.

"Low- and moderate-income families," under the provisions of this section, are families who lack income that would enable them, without financial assistance, to live in decent, safe, and sanitary dwellings without overcrowding. Income eligibility limits for such families shall be set forth in the commissioner's regulations.

No association shall make any investment pursuant to this section if its aggregate outstanding investment under this section would thereupon exceed 1 percent of the then total assets of the association, but such investment permitted by this section shall be in addition to that permitted in a service corporation pursuant to Section 6702.1. An association may invest in the same corporation pursuant to this section and Section 6702.1, if such corporation qualifies pursuant to regulations of the commissioner.

CHAPTER 1203

An act to amend Sections 14801, 15103, 16000, 16001, and 16003 of, to add Sections 15805 and 15807 to, and to repeal Sections 15805 and 15807 of, the Financial Code, relating to credit unions.

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

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

SECTION 1. Section 14801 of the Financial Code is amended to read:

14801. Every credit union may:

(a) Receive money and accumulate funds to be loaned and execute certificates for funds for the money received. The certificates for funds shall specify the date, amount, rate of interest, and when the principal and interest are payable.

(b) Deposit and invest any money received as provided in Chapter 5 of this division.

(c) Borrow money as provided in Section 15103.

SEC. 2. Section 15103 of the Financial Code is amended to read:

15103. A credit union may borrow money from any source in an aggregate amount not to exceed 50 percent of the paid-in and unimpaired capital and surplus of such credit union. For the purposes of this section, certificates for funds shall be deemed borrowed money.

SEC. 3. Section 15805 of the Financial Code is repealed.

SEC. 4. Section 15805 is added to the Financial Code, to read:

15805. (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 credit union, whether it 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 credit unions.

(b) If during any calendar year the commissioner has not examined a credit union pursuant to subdivision (a) or requested an audit report pursuant to subdivision (a) of Section 15807, he shall perform such an examination or request such an audit report, as authorized by this division.

SEC. 5. Section 15807 of the Financial Code is repealed.

SEC. 6. Section 15807 is added to the Financial Code, to read:

15807. (a) In lieu of an annual examination of a credit union, the commissioner may request and the credit union may submit, or the commissioner may approve the request of a

credit union to submit, at such credit union's own expense in either case, an audit report containing audited financial statements prepared in accordance with generally accepted accounting principles covering the calendar year or, if such credit union 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 The audited financial statements shall include at least a balance sheet and a statement of income for the year ended on the balance sheet date.

(b) The report and audited financial statements referred to in subdivision (a) hereof shall be by an independent certified public accountant or independent public accountant and shall contain such relevant information as the commissioner may require. The audit shall be conducted in accordance with generally accepted auditing standards and the rules and regulations of the commissioner.

(c) A credit union 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 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.

(d) If the report, certificate or opinion of the independent accountant referred to in subdivision (a) of this section is in any way qualified, the commissioner may require the credit union to take such action as he deems appropriate to permit an independent accountant to remove such qualification from the report, certificate, or opinion.

(e) The commissioner may reject any financial statement, report, certificate, or opinion filed pursuant to this section by notifying the credit union of its rejection and the cause thereof. Within 30 days after the receipt of such notice, the credit union 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.

(f) 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 be verified by the credit union in such manner as he may prescribe.

SEC. 7. Section 16000 of the Financial Code is amended to read:

16000. To defray the costs of administration of this division, including investigations and supervision but not including the costs of examination referred to in Section 16003 except as otherwise provided therein, the commissioner shall require every credit union licensed by him or coming under his supervision to pay in advance to him for the ensuing year charges and assessments in accordance with the following schedule:

Total assets of credit union	Amount of assessment
Assets of $1,000 or less	$20.00
Over $1,000, but not more than $50,000	$20.00 plus $2.00 per $1,000 of assets in excess of $1,000.
Over $50,000, but not more than $150,000	$118.00 plus $1.75 per $1,000 of assets in excess of $50,000.
Over $150,000, but not more than $300,000	$293.00 plus $1.50 per $1,000 of assets in excess of $150,000.
Over $300,000, but not more than $500,000	$518.00 plus $1 00 per $1,000 of assets in excess of $300,000.
Over $500,000, but not more than $750,000	$718.00 plus $0.50 per $1,000 of assets in excess of $500,000.
Over $750,000	$843.00 plus $0.25 per $1,000 of assets in excess of $750,000.

SEC. 8. Section 16001 of the Financial Code is amended to read:

16001. On or before the 30th day of November of each year the commissioner shall notify each credit union by mail of the amount assessed and levied against it and that amount shall be paid on or before the 31st day of December of that year. If payment is not made to the commissioner by that time, the certificate then in effect authorizing such credit union to act as a credit union may by order be summarily suspended or revoked by the commissioner 10 days after notice by the commissioner that such amount 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. 9. Section 16003 of the Financial Code is amended to read:

16003. If an examination is made or services performed, the credit union examined or to which services are rendered shall pay to the commissioner the actual cost thereof, including the actual amount of salary or other compensation paid to the persons making such examination or rendering special services and overhead costs in connection therewith as fixed by the commissioner. If recovery of such costs cannot be made from the credit union, such costs may be added to the assessment provided for in Section 16000.

SEC. 10. This act shall become operative on January 1, 1969.

CHAPTER 1204

An act to amend Section 3352 of the Labor Code, relating to workmen's compensation.

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

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

SECTION 1. Section 3352 of the Labor Code is amended to read:

3352. "Employee" excludes:

(a) Any person whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer.

(b) Any person engaged in vending, selling, offering for sale, or delivering directly to the public, any newspaper, magazine, or periodical where the title thereto has passed to the person so engaged.

(c) Any person performing services in return for aid or sustenance only, received from any religious, charitable or relief organization.

(d) Any person holding an appointment as deputy clerk, deputy sheriff, or deputy constable appointed for his own convenience, and who receives no compensation from the county or municipal corporation or from the citizens thereof for his services as such deputy. This exclusion is operative only as to employment by the county or municipal corporation and does not deprive any person so deputized from recourse against a private person employing him for injury occurring in the course of and arising out of such employment.

(e) Any convict whose labor is used by the State Highway Commission on state highways or roads.

(f) Any person engaged in household domestic service except as provided in Section 3358.5. For purposes of this subdivision, household domestic service shall include, but not be limited to, the part-time care and supervision of children in a private residence.

(g) Any person performing voluntary services at or for a recreational camp, hut or lodge operated by a nonprofit organization, exempt from federal income tax under Section 101 (6) of the Internal Revenue Code, of which he or a member of his family is a member and who receives no compensation for such services other than meals, lodging or transportation.

(h) Any person engaged as a part-time gardener in connection with a private dwelling; provided, the number of hours devoted to such work for any individual does not regularly exceed 44 hours per month. This exclusion is operative only as to his employment by the owner or occupant of such a private dwelling, and does not deprive any such part-time gardener from recourse under this division against any other

person employing him for injuries occurring in the course of and arising out of the employment.

(i) Any person performing voluntary service as a ski patrolman who receives no compensation for such services other than the use of ski tow or ski lift facilities.

(j) Any person, other than a regular employee, participating in sports or athletics who receives no compensation for such participation other than the use of athletic equipment, uniforms, transportation, travel, meals, lodgings or other expenses incidental thereto.

CHAPTER 1205

An act to amend Section 29246 of, to add Article 5.5 (commencing with Section 29141) to Chapter 1 of Division 13 of the Agricultural Code, relating to bee management.

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

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

SECTION 1. Article 5.5 (commencing with Section 29141) is added to Chapter 1 of Division 13 of the Agricultural Code, to read:

Article 5.5. Notification Regions

29141. The director may, after notice and hearing, establish regions for the notification of apiary owners relative to pesticide applications if he determines that the notification could be effectively accomplished on a regional basis and that there would be sufficient interest among beekeepers and pest control operators to make substantial participation in a regional notification system likely. The regions may be composed of more than one county or portions of counties, but no portion of a county may become an entire region.

29142. Upon the establishment of a notification region, the director shall designate one of the county agricultural commissioners within the region as the coordinator for the region. The coordinator may receive, upon request, any necessary technical assistance from the University of California, other county agriculture commissioners, and the department in the development of a regional notification system.

29143. The coordinator may receive moneys from any source and shall deposit such funds in the Department of Agriculture Fund for expenditure pursuant to the purposes of this article. The director may, if he determines that it is necessary, establish fees for beekeepers and pest control operators who participate. The fees may, if necessary, vary for different regions but shall in no case be greater than the amount necessary to defray the expenses of that region. In the event that an unexpended surplus exists for more than two consecutive

years, or the operation of the system is suspended or terminated, any unexpended moneys shall be deposited in the General Fund.

SEC. 2. Section 29246 of the Agricultural Code is amended to read:

29246. Any person that owns or is in possession of an apiary is not entitled to recover damages for any injury to such apiary by reason of any pest control operation unless he has complied with Sections 29121, 29243, and 29245, and with regulations adopted by the director providing for the protection of bees under Sections 11502, 14005 and 29141 when these requirements apply to the property where the alleged damage has occurred.

CHAPTER 1206

An act to amend Sections 5505, 5629, 5655, 6308, 6354, and 6356 of the Welfare and Institutions Code, relating to commitment proceedings

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

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

SECTION 1. Section 5505 of the Welfare and Institutions Code is amended to read:

5505. Each psychiatrist so appointed shall file with the court a separate written report of the result of his examination, together with his conclusions and recommendations and his opinion as to whether or not the person would benefit by care and treatment in a state hospital. At the hearing each psychiatrist shall hear the testimony of all witnesses, and shall testify as to the result of his examination, and to any other pertinent facts within his knowledge, unless the person upon the advice of counsel waives the presence of the psychiatrists and it is stipulated that their respective reports may be received in evidence.

SEC. 2. Section 5629 of the Welfare and Institutions Code is amended to read:

5629. The judge may cause witnesses to be summoned and examined before him. The judge of the superior court may, for any hearing, order the clerk of the court to issue subpoenas and compel the attendance of witnesses from any place within the boundaries of this state and shall issue such subpoenas and compel attendance of witnesses as requested by the alleged narcotic drug addict; but no person is obliged to attend as a witness in such a hearing out of the county where he resides or is served unless the judge, upon affidavit to the effect that affiant believes that the evidence of the witness is material and his attendance at the hearing necessary, indorses on the subpoena an order for the attendance of the witness.

The judge shall compel the attendance of at least two medical examiners, who shall hear the testimony of all witnesses, make a personal examination of the alleged narcotic drug addict, and testify before the judge as to the result of the examination, and to any other pertinent facts within their knowledge, unless the person upon the advice of counsel waives the presence of the medical examiners and it is stipulated that their affidavit or report may be received in evidence. The judge shall also cause to be examined before him as a witness, any other person who he has reason to believe has any knowledge of the mental condition of the alleged narcotic drug addict, or of his financial condition or that of the person liable for his maintenance.

All witnesses attending a hearing upon a subpoena issued under this section shall be entitled to the same fees and expenses as in criminal cases, to be paid upon the same conditions and in like manner. The hearing and examination shall be had in substantial compliance with the provisions of Sections 5565 and 5566 of this code. If the presence of the medical examiners is waived and it is stipulated that their respective affidavits or reports may be received in evidence, the certificate provided by Section 5566 shall be made and signed by the medical examiners after such affidavits or reports are filed with the court.

SEC. 3 Section 5655 of the Welfare and Institutions Code is amended to read:

5655. The hearing and examination shall be had in compliance with the provisions of Sections 5565 and 5566 of this code. If the presence of the medical examiners is waived and it is stipulated that their respective affidavits or reports may be received in evidence, the certificate provided by Section 5566 shall be made and signed by the medical examiners after such affidavits or reports are filed with the court. The judge of the superior court may, for any hearing, order the clerk of the court to issue subpoenas and compel the attendance of witnesses from any place within the boundaries of this state and shall issue such subpoenas and compel attendance of witnesses as requested by the alleged habit-forming drug addict; but no person is obliged to attend as a witness in such a hearing out of the county where he resides or is served unless the judge, upon affidavit to the effect that affiant believes that the evidence of the witness is material and his attendance at the hearing necessary, indorses on the subpoena an order for the attendance of the witness.

The judge shall compel the attendance of at least two medical examiners, who shall hear the testimony of all witnesses, make a personal examination of the alleged habit-forming drug addict, and testify before the judge as to the result of the examination, and to any other pertinent facts within their knowledge, unless the person upon the advice of counsel waives the presence of the medical examiners and it is stipulated that their affidavit or report may be received in evidence. The judge

shall also cause to be examined before him as a witness, any other person who he has reason to believe has any knowledge of the mental condition of the alleged habit-forming drug addict, or of his financial condition or that of the person liable for his maintenance.

All witnesses attending a hearing upon a subpoena issued under this section shall be entitled to the same fees and expenses as in criminal cases, to be paid upon the same conditions and in like manner.

SEC. 4. Section 6308 of the Welfare and Institutions Code is amended to read:

6308. Each psychiatrist so appointed shall file with the court a separate written report of the result of his examination, together with his conclusions and recommendations and his opinion as to whether or not the person would benefit by care and treatment in a state hospital. At the hearing each psychiatrist shall hear the testimony of all witnesses, and shall testify as to the result of his examination, and to any other pertinent facts within his knowledge, unless the person upon the advice of counsel waives the presence of the psychiatrists and it is stipulated that their respective reports may be received in evidence.

SEC. 5. Section 6354 of the Welfare and Institutions Code is amended to read:

6354. The judge of the superior court may, for any hearing, order the clerk of the court to issue subpoenas and compel the attendance of witnesses from any place within the boundaries of this state and shall issue such subpoenas and compel attendance of witnesses as requested by the alleged narcotic drug addict but no person is obliged to attend as a witness in such a hearing out of the county where he resides or is served unless the judge, upon affidavit to the effect that affiant believes that the evidence of the witness is material and his attendance at the hearing necessary, indorses on the subpoena an order for the attendance of the witness.

The judge shall compel the attendance of at least two medical examiners, who shall hear the testimony of all witnesses, make a personal examination of the alleged narcotic drug addict, and testify before the judge as to the result of the examination, and to any other pertinent facts within their knowledge, unless the person upon the advice of counsel waives the presence of the medical examiners and it is stipulated that their affidavit or report may be received in evidence. The judge shall also cause to be examined before him as a witness, any other person who he has reason to believe has any knowledge of the mental condition of the alleged narcotic drug addict, or of his financial condition or that of the persons liable for his maintenance.

All witnesses attending a hearing upon a subpoena issued under this section shall be entitled to the same fees and expenses as in criminal cases, to be paid upon the same conditions and in like manner.

SEC. 6. Section 6356 of the Welfare and Institutions Code is amended to read:

6356. The medical examiners, after making the examination and hearing the testimony, or, after their presence has been waived and their affidavit or report has been filed, shall make and sign a certificate showing the facts of the case. The certificate made and signed by the medical examiners in the case of an examination of a person alleged to be a narcotic drug addict shall be in substantially the form specified for the certificate in Section 6253.

SEC. 7. Sections 4, 5, and 6 of this act, respectively, shall become operative only if Section 6308, 6354, or 6356, respectively, of the Welfare and Institutions Code, as added by Section 37 of Chapter 1667 of the Statutes of 1967, becomes operative, in which case Section 4, 5, or 6 of this act shall be operative at the same time as such Section 6308, 6354, or 6356, respectively, of the Welfare and Institutions Code.

SEC. 8. Sections 1, 2, and 3 of this act shall cease to be operative if and when Section 36.5 of Chapter 1667 of the Statutes of 1967 becomes operative.

CHAPTER 1207

An act to amend Section 27156 of the Vehicle Code, relating to air pollution.

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

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

SECTION 1. 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 Part 1 of Division 26 of the Health and Safety Code or any other certified motor vehicle pollution control device required by any other state law or any rule or regulation adopted pursuant to such law, unless the motor vehicle is equipped with the required motor vehicle pollution control device which is correctly installed and in operating condition. No person shall disconnect, modify, or alter any such required device.

Every person who violates this section shall upon a first conviction be fined fifty dollars ($50), and for any subsequent conviction such person shall be fined one hundred dollars ($100). No part of the penalties prescribed by this section shall be suspended, where it is determined that such person willfully violated this section.

"Willfully," as used in this section, has the same meaning as the meaning of that word prescribed in Section 7 of the Penal Code.

No person shall operate a vehicle after notice by a traffic officer that such vehicle is not equipped with the required certified motor vehicle pollution control device correctly installed in operating condition, except as may be necessary to return the vehicle to the residence or place of business of the owner or driver or to a garage, until the vehicle has been properly equipped with such a device.

The notice to appear issued or complaint filed for a violation of this section shall require that the person to whom the notice to appear is issued or against whom the complaint is filed produce proof of correction pursuant to Section 40150.

This section shall not apply to an alteration or modification to use a fuel other than gasoline where the emissions from such modified or altered vehicle are at levels which comply with existing state or federal standards for the emissions of pollutants from motor vehicles.

CHAPTER 1208

An act to amend Section 12100 of the Financial Code, relating to check sellers and cashers.

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

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

SECTION 1. Section 12100 of the Financial Code is amended to read:

12100. The provisions of this division do not apply to any of the following:

(a) Persons or their authorized agents doing business under license and authority of the Superintendent of Banks of the State of California, or under any law of this state or of the United States relating to banks, trust companies, building or savings and loan associations, industrial loan companies, personal property brokers, credit unions, title insurance companies or underwritten title companies (as defined in Section 12402 of the Insurance Code), escrow agents subject to Division 6 of the Financial Code, or California small loan companies.

(b) Persons or their authorized agents engaged in the business of paying to others bills, invoices, or accounts of an obligor, or of selling or cashing checks, including travelers' checks, drafts, or money orders issued by a person who has been licensed under and complied with, and continues to be licensed under and complies with, Article 3 of Chapter 14 of Division 1 of this code.

(c) The services of a person licensed to practice law in this state, when such person renders services in the course of his practice as an attorney at law, and the fees and disbursements of such person whether paid by the debtor or other person, are not charges or costs and expenses regulated by or subject to the limitations of this chapter; provided, such fees and disbursements shall not be shared, directly or indirectly with the prorater, check seller or casher.

(d) Any transaction in which money or other property is paid to a "joint control agent" for dispersal or use in payment of the cost of labor, materials, services, permits, fees, or other items of expense incurred in construction of improvements upon real property.

(e) A merchant-owned credit or creditors association, or a member-owned or member-controlled or -directed association whose principal function is that of servicing the community as a reporting agency.

(f) Any person licensed under Chapter 1 of Part 6, Division 2 of the Labor Code, when acting in any capacity for which he is licensed under such part.

(g) Any person licensed under Part 1, Division 4, of the Business and Professions Code, when acting in any capacity for which he is licensed under that part.

(h) A common law or statutory assignment for the benefit of creditors or the operation or liquidation of property or a business enterprise under supervision of a creditor's committee.

(i) The services of a person licensed as a certified public accountant or a public accountant in this state, when such person renders services in a course of his practice as a certified public accountant or a public accountant, and the fees and disbursements of such person whether paid by the debtor or other person, are not charges or costs and expenses regulated by or subject to the limitations of this chapter; provided, such fees and disbursements shall not be shared, directly or indirectly, with the prorater, check seller or casher.

(j) Nonprofit community service organizations that have been incorporated under the General Nonprofit Corporation Law of the State of California whose membership consists exclusively of retailers, lenders in the consumer credit field, educators, attorneys, social service organizations, employers or employees organizations, and related groups, if the principal functions of such organizations are: (1) consumer credit education; (2) counseling on consumer credit problems and family budgets; and (3) arranging, and in certain cases administering, debt settlement plans, for which a charge for administrative services only may be made of 5 percent of the money disbursed monthly, or ten dollars ($10) per month, whichever is the lesser, to offset expenses; provided essential records are kept in accordance with sound accounting practices, consumer funds are banked in a trust account and appropriate fidelity bond and insurance are maintained, that reports

are made to debtors, and independent audits made; and further provided, however, that this subdivision shall exempt such organizations from this division only with respect to those activities described in Section 12002.1 and not with respect to those activities described in Section 12002.

CHAPTER 1209

An act to add Section 10601.5 to the Education Code, relating to suspension of pupils.

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

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

SECTION 1. Section 10601.5 is added to the Education Code, to read:

10601.5. The principal of a school may suspend for good cause any pupil from the school, except for a cause described in Section 10603, and subject to the provisions of Sections 10607 and 10607.5. The principal shall report the suspension of such a pupil to the governing board of the school district or to the district superintendent in accordance with the regulations of the governing board.

Any suspension pursuant to this section shall not exceed 10 schooldays.

CHAPTER 1210

An act to amend Section 22520 of the Vehicle Code, relating to motor vehicles.

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

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

SECTION 1. Section 22520 of the Vehicle Code is amended to read:

22520. No person shall stop, park, or leave standing any vehicle upon a freeway which has full control of access and no crossings at grade except:

(a) When necessary to avoid injury or damage to persons or property.

(b) When required by law or in obedience to a peace officer or official traffic control device.

(c) Any person actually engaged in maintenance or construction on freeway property or any employee of a public agency actually engaged in the performance of official duties.

(d) Any vehicle which is so disabled that it is impossible to avoid temporarily stopping and any vehicle which has been

summoned to render assistance to a vehicle or person, including a vehicle owned by the donor of free emergency assistance, which has been summoned by display upon or within a disabled vehicle of a placard or sign given to the driver of the disabled vehicle by the donor for the specific purpose of summoning assistance, other than towing service, from the donor.

(e) In locations where stopping, standing or parking is specifically permitted.

CHAPTER 1211

An act to amend Sections 1605.5 and 1609 of the Revenue and Taxation Code, relating to assessment hearings.

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

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

SECTION 1. Section 1605.5 of the Revenue and Taxation Code is amended to read:

1605.5. The county board shall make a record of the proceedings and, upon request, shall furnish the party with a transcript thereof at his expense. Written findings of fact of the county board shall be made if requested in writing by a party up to or at the commencement of the hearing. However the party requesting findings may abandon the request and waive findings at the conclusion of the hearing. If the requesting party abandons his request at this time the other party may orally or in writing renew the request thereby becoming responsible for any costs for the preparation of findings. A reasonable fee may be imposed by the county to cover the expense of preparing findings and conclusions, but shall not exceed ten dollars ($10) per parcel. The written findings of fact shall fairly disclose the board's determination of all material points raised by the party in his petition and at the hearing including a statement of the method or methods of valuation used in appraising the property.

At the hearing the final determinations by the board shall be supported by the weight of the evidence.

SEC. 2. Section 1609 of the Revenue and Taxation Code is amended to read:

1609. On the hearing of the application, the county board may subpoena witnesses and books, records, maps, and documents and take evidence in relation to the inquiry. The assessor may introduce new evidence of full cash value of a parcel of property at the hearing and may also introduce information obtained pursuant to Section 441. If the assessor proposes to introduce evidence to support a higher assessed value than he placed on the roll, he shall, at least 10 days prior to the hearing, inform the applicant of the higher assessed value and

the evidence proposed to be introduced and he may thereafter introduce such evidence at the hearing.

No subpoena to take depositions shall be issued nor shall depositions be considered for any purpose by the county board or the assessment appeals board.

CHAPTER 1212

An act to add Section 619.2 to the Revenue and Taxation Code, relating to assessment notification.

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

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

SECTION 1. Section 619.2 is added to the Revenue and Taxation Code, to read.

619.2. Where the personal property on the secured roll of a person not required to file a property statement pursuant to Section 441 is assessed in excess of two hundred fifty dollars ($250), excluding household furnishings and personal effects, the assessor, on or before July 15, may notify the assessee of the full cash value, the assessed value of such property, and the ratio used in the manner prescribed by Sections 619 and 619.1.

If the assessee does receive notice of the assessment pursuant to this section, the assessee may pay taxes based upon such assessment under protest and obtain equalization of the assessment in the same manner as set forth in Section 620.

CHAPTER 1213

An act to add Section 1609.2 to the Revenue and Taxation Code, relating to assessment hearings.

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

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

SECTION 1. Section 1609.2 is added to the Revenue and Taxation Code, to read:

1609.2. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.

CHAPTER 1214

An act to amend Section 34354 of the Health and Safety Code, relating to housing.

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

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

SECTION 1. Section 34354 of the Health and Safety Code is amended to read:

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

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

(b) The date the bonds shall bear.

(c) The date of maturity.

(d) The interest rate, not exceeding six percent (6%) a year.

(e) The denomination of the bonds.

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

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

(h) The rank or priority of the bonds.

(i) The manner of execution of the bonds.

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

(k) The place of payment.

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

CHAPTER 1215

An act making an appropriation for the support of the 20th District Agricultural Association, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. The sum of ten thousand dollars ($10,000) is appropriated for the support of the 20th District Agricultural Association from moneys deposited in the Fair and Exposition Fund by the district pursuant to Section 4002 of the Agricultural Code. The money shall be repaid by the district upon the terms and conditions approved by the Department of Agriculture. The Controller shall, with the approval of the department, pay from the fund to the 20th District Agricultural Association this appropriation for support of that association.

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

In order for the appropriation made by this act to be available for expenditure for the support of the 20th District Agricultural Association's fair this year, this act must take effect immediately.

CHAPTER 1216

An act to amend Section 28051 of the Vehicle Code, relating to motor vehicles.

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

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

SECTION 1. Section 28051 of the Vehicle Code is amended to read:

28051. It is unlawful for any person to disconnect, turn back, or reset the odometer of any motor vehicle with the intent to reduce the number of miles indicated on the odometer gauge. The provisions of this section shall not apply to any of the following:

(a) The disconnecting of the odometer of any "new motor vehicle" being driven from the premises of a licensed manufacturer, distributor or dealer to the premises of another licensed manufacturer, distributor, or dealer, incident to the sale of such motor vehicle. Whenever an odometer of any motor vehicle is disconnected pursuant to this subdivision, the dealer selling or delivering such motor vehicle to the purchaser or his authorized representative shall notify such person, in writing, of the approximate number of miles the motor vehicle was driven with the odometer disconnected, the point from which the motor vehicle was driven with the odometer disconnected, and the point of delivery of such motor vehicle with the odometer disconnected.

(b) The disconnecting of the odometer on new motor vehicles while such vehicles are being operated in a driveaway-towaway operation.

(c) The disconnecting of the odometer on new vehicles being tested by the manufacturer prior to delivery to a dealer.

(d) Replacement of a damaged or broken speedometer with a new speedometer when the odometer on the new speedometer registers "0" miles.

CHAPTER 1217

An act to amend Sections 8101, 8603, 8652 and 8653 of, and to add Section 8656 to, the Revenue and Taxation Code, relating to the motor vehicle fuel license tax and use fuel tax.

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

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

SECTION 1. Section 8101 of the Revenue and Taxation Code is amended to read:

8101. The following persons who have paid a license tax for motor vehicle fuel, either directly or to the vendor from whom it was purchased, or indirectly by the adding of the amount of the tax to the price of the fuel, shall, except as otherwise provided in this part, be reimbursed and repaid the amount of the tax:

(a) Any person who buys and uses the motor vehicle fuel for purposes other than operating motor vehicles upon the public highways of the state.

(b) Any person who exports the motor vehicle fuel for use outside of this state. Motor vehicle fuel carried from this state in the fuel tank of a motor vehicle is not deemed to be exported from this state unless the motor vehicle fuel becomes subject to tax as an "import" under the laws of the destination state.

(c) Any person who sells the motor vehicle fuel to the armed forces of the United States for use in ships or aircraft or for use outside this state, under circumstances that would have entitled him to an exemption from the payment of the license tax under Section 7401 had he been the distributor of this fuel.

(d) Any person who buys and uses the motor vehicle fuel in any construction equipment which is exempt from vehicle registration pursuant to the Vehicle Code, while operated within the confines and limits of a construction project.

(e) Any consulate officer or consulate employee of a foreign government who is not engaged in any private occupation for gain within the State of California, whose government has entered into a treaty with the United States providing for the exemption of such representative from national, state, and municipal taxes, who uses the motor vehicle fuel in a vehicle registered exempt from fees pursuant to Section 9100 of the Vehicle Code.

SEC. 2. Section 8603 of the Revenue and Taxation Code is amended to read:

8603. As used in this part "motor vehicle" includes every self-propelled vehicle operated or suitable for operation on the highway, except a vehicle used exclusively upon stationary rails or tracks.

SEC. 3. Section 8652 of the Revenue and Taxation Code is amended to read:

8652. No tax shall be imposed upon any user with respect to that fuel which the user establishes to the satisfaction of the board is used:

(a) To propel an implement of husbandry, truck, or farm tractor used in agricultural operations off the highway and only incidentally operated upon a highway, for the purpose of moving between farms or parts of farms, which farms or parts of farms are in close proximity, and which implement of husbandry, truck or farm tractor is exempt from registration under the Vehicle Code;

(b) To propel any construction equipment while operated within the confines and limits of a construction project and only incidentally operated upon the highway and which construction equipment is exempt from vehicle registration pursuant to the Vehicle Code; or

(c) For a purpose other than the generation of power to propel a motor vehicle in this state.

SEC. 4. Section 8653 of the Revenue and Taxation Code is amended to read:

8653. No tax shall be imposed upon any user with respect to that fuel which the user establishes to the satisfaction of the board is used in the operation of a motor vehicle off the highway.

SEC. 5. Section 8656 is added to the Revenue and Taxation Code, to read:

8656. The provisions of subdivision (d) of Section 8655 shall also be applicable to those transportation services described in subdivision (b) of Section 5353 of the Public Utilities Code, except when such transportation is an augmentation or adjunct to common carrier local transit services between fixed termini or over a regular route.

CHAPTER 1218

An act making an appropriation to the Department of Public Health for assistance to various agencies for the construction of development centers for mentally retarded children.

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

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

SECTION 1. The sum of two hundred ninety-one thousand six hundred twenty-seven dollars ($291,627) is hereby appropriated from the General Fund to the Department of Public Health for assistance to counties, including a city and county, in the construction of development centers for mentally retarded children pursuant to the act of Congress entitled the

"Mental Retardation Facilities Construction Act" (P.L. 88-164). No allocation shall be made under this act to any county for the construction of such a development center unless federal assistance is available to, and shall be received by, the county for such construction pursuant to such act of Congress.

CHAPTER 1219

An act to add Section 8836.5 to the Fish and Game Code, relating to commercial fishing.

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

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

SECTION 1. Section 8836.5 is added to the Fish and Game Code, to read:

8836.5. Notwithstanding Section 8836, trawl nets may be used in that portion of District 18 between a line running due west from Point Sur and a line running due west from Cape San Martin in waters not 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 1220

An act to amend Sections 12502, 12503, 12604, and 12610 of, to add Sections 12600.1, 12657.1, 12657.2, 12657.3, 12760.5, 12762, 12762.1, and 12762.2 to, and to repeal Section 12762 of, the Health and Safety Code, relating to fireworks.

[Approved by Governor August 12, 1968 Filed with Secretary of State August 12, 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. (a) "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, defla-

gration, 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.

(b) "Fireworks kit" means any assembly of materials or explosives substances, which is designed or intended by the seller to be assembled by the person receiving such material or explosive substance and when so assembled would constitute an item of fireworks as defined in subdivision (a).

(c) "Emergency signaling device" means a device containing a combustible or explosive material that is designed and is intended for the purpose of rendering emergency signals by producing a visible or audible effect through combustion or explosion.

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;

Fireworks kit;

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.

SEC. 3. Section 12600.1 is added to the Health and Safety Code, to read:

12600.1. The provisions of Section 12600 shall not apply to the transportation of safe and sane fireworks by retail licensees or to any purchase at retail or use of safe and sane fireworks, nor shall these provisions apply to purchase at retail or use of marine and aircraft signal flares.

SEC. 4. Section 12604 of the Health and Safety Code is amended to read:

12604. A permit shall not be issued unless the person applying for the permit has first obtained a license from the State Fire Marshal, as provided in this part, to do the particular act or acts described in the permit.

SEC. 5. Section 12610 of the Health and Safety Code is amended to read:

12610. Pursuant to the provisions of Section 12600, the State Fire Marshal shall issue a permit for the transportation of fireworks anywhere within the state. Such permit is subject to approval by the local authority having jurisdiction at the place where the shipment originates within the state. Fireworks in any quantity which are being transported in compliance with the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code shall not require a transportation permit from the State Fire Marshal.

It is the legislative intention in enacting this section, with particular reference to the issuance of a permit by the State Fire Marshal for the transportation of fireworks, that such permit shall be in lieu of any permit required by local authority for the transportation of fireworks, except when such transportation is confined wholly within the geographic boundaries of such local political authority.

SEC. 6. Section 12657.1 is added to the Health and Safety Code, to read:

12657.1. The annual license fee to manufacture, import, export, or wholesale, or any combination thereof, any agricultural and wildlife fireworks, or model rocket engines, or both shall be twenty-five dollars ($25).

SEC. 7. Section 12657.2 is added to the Health and Safety Code, to read:

12657.2. When a license has been obtained pursuant to Section 12657, a separate license for the same person to conduct any corresponding act or acts pursuant to Section 12657.1 shall not be required.

SEC. 8. Section 12657.3 is added to the Health and Safety Code, to read:

12657.3. A license shall not be required to sell at retail any agricultural and wildlife fireworks, or model rocket engines, or both. No person shall sell such devices at retail without first securing a permit as required in Section 12600 of this part.

SEC. 9. Section 12760.5 is added to the Health and Safety Code, to read:

12760.5. Except as provided in this chapter, no person shall sell, or transfer to the general public any material or materials of any kind, or any explosive substance, which is designed or intended by the seller to be assembled by the person receiving such material or explosive substance and when so assembled would constitute an item of fireworks as defined in this part.

This section shall not apply to any manufacturer, importer, exporter, importer and exporter, wholesaler, or public display licensee holding a valid license issued pursuant to this part.

SEC. 10. Section 12762 of the Health and Safety Code is repealed.

SEC. 11. Section 12762 is added to the Health and Safety Code, to read:

12762. No license or permit shall be required to manufacture, import, export, sell or use any emergency signaling device which is certified, approved or otherwise declared acceptable by the state or a federal agency, having laws, regulations, or rules requiring the installation of such devices provided they are registered and labeled in accordance with regulations adopted by the State Fire Marshal pursuant to Section 12552.

Application for registration of each model of emergency signaling device shall be made to the State Fire Marshal on forms provided by him. The registration fee of twenty-five dollars ($25) for each model of signaling device shall accompany the application.

SEC. 12. Section 12762.1 is added to the Health and Safety Code, to read:

12762.1. No person shall sell at retail, distribute or use any emergency signaling device except those registered by the State Fire Marshal.

SEC. 13. Section 12762.2 is added to the Health and Safety Code, to read:

12762.2. No person shall use any emergency signaling device except for the purposes prescribed by the state or federal agency approving such device. When a fire hazard exists in a particular area the State Fire Marshal may adopt regulations limiting the use of emergency signaling devices in such area.

CHAPTER 1221

An act to amend Section 6495 of the Elections Code, relating to elections.

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

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

SECTION 1. Section 6495 of the Elections Code is amended to read:

6495. The number of sponsors required for the respective offices are as follows:

(a) State office or United States Senate, not less than 65 nor more than 100.

(b) House of Representatives in Congress, State Senate or Assembly, Board of Equalization, or any office voted for in more than one county, and not statewide, not less than 40 nor more than 60.

(c) Candidacy in a single county or any political subdivision of a county, other than State Senate or Assembly, not less than 20 nor more than 30.

(d) When any political party has less than 50 voters in the state or in the county or district in which the election is to be held, one-tenth the number of voters of the party.

(e) When there are less than 150 voters in the county or district in which the election is to be held, not less than 10 nor more than 20.

CHAPTER 1222

An act to amend Sections 7, 20432, and 20435 of, and to repeal Sections 20431, 27773, 27774, 27775, 27776, 27777, 27778, 29704, 29705, 29706, 29707, 29708, 29709, 42972, 42973, 42974, 42975, and 42976 of, the Agricultural Code, to amend Sections 4049.5, 7512, and 25755 of, to add Sections 160, 4010.5 and 12013 to, and to repeal Sections 160 and 12013 of, the Business and Professions Code, to amend Sections 15832 and 16560 of the Education Code, to amend Sections 851 and 878 of the Fish and Game Code, to amend Sections 9194.5, 12304, and 18932 of, and to repeal Article 5 (commencing with Section 1400) of Chapter 2 of Division 4 of Title 1 of, and to repeal Section 13071 of, the Government Code, to amend Section 71.2 of the Harbors and Navigation Code, to amend Sections 8325, 11103, 11105, and 26625 of, to add Section 216 to, and to repeal Sections 24231, 26329, and 26551 of, the Health and Safety Code, to amend Sections 95 and 2641 of the Labor Code, to amend Sections 7, 150, 171c, 171d, 241, 243, 245, 836, 1203.12, 12027, 12031, 12302, and 12501 of, to add Chapter 4.5 (commencing with Section 830) to Title 3 of Part 2 of, and to repeal Section 817 of, the Penal Code, to amend Sections 4156 and 5008 of, and to repeal Section 5008.5 of, the Public Resources Code, to amend Sections 308, 8226, and 21252 of the Public Utilities Code, to amend Section 8252 of, and to repeal Section 10402 of, the Revenue and Taxation Code, to repeal Section 27178 of the Streets and Highways Code, to amend Sections 1655 and 23252 of the Vehicle Code, and to amend Sections 584, 1076, and 4312 as added by Chapter 402 of the Statutes of 1968 of the Welfare and Institutions Code, relating to peace officers.

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

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

SECTION 1. Chapter 4.5 (commencing with Section 830) is added to Title 3 of Part 2 of the Penal Code, to read:

CHAPTER 4.5. PEACE OFFICERS

830. Any person who comes within the provisions of this chapter and who otherwise meets all standards imposed by law on a peace officer is a peace officer, and notwithstanding any other provision of law, no person other than those designated in this chapter is a peace officer. The restriction of peace officer functions of any public officer or employee shall not affect his status for purposes of retirement.

830.1. Any sheriff, undersheriff, or deputy sheriff, regularly employed and paid as such, of a county, any policeman of a city, any policeman of a district authorized by statute to maintain a police department, any marshal or deputy marshal of a municipal court, or any constable or deputy constable, regularly employed and paid as such, of a judicial district, is a peace officer. The authority of any such peace officer extends to any place in the state:

(a) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs him; or

(b) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(c) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

830.2. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway.

(b) Any member of the California State Police Division is a peace officer; provided, that the primary duty of any such peace officer shall be the protection of state properties and occupants thereof, and he shall not act as a peace officer in enforcing any law except (1) when in pursuit of any offender or suspected offender or (2) to make arrests for crimes committed in his presence or upon state properties.

830.3. (a) The Deputy Director and the Assistant Director of the Department of Justice, the Chief, Assistant Chief, and special agents of the Bureau of Criminal Identification and

Investigation, the Chief, Assistant Chief, and narcotics agents of the Bureau of Narcotic Enforcement, and such investigators who are so designated by the Attorney General, are peace officers.

The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(b) Any inspector or investigator regularly employed and paid as such in the office of a district attorney is a peace officer.

The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed, or which there is probable cause to believe has been committed, within the county which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

(c) The Director of the Department of Alcoholic Beverage Control and persons employed by such department for the enforcement of the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any premises licensed pursuant to the Alcoholic Beverage Control Act.

(d) The Chief and investigators of the Division of Investigation of the Department of Professional and Vocational Standards are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(e) Members of the Wildlife Protection Branch of the Department of Fish and Game deputized pursuant to Section 856 of the Fish and Game Code, deputies appointed pursuant to Section 851 of such code, and county fish and game wardens appointed pursuant to Section 875 of such code are peace officers; provided, that the primary duty of deputized members of the Wildlife Protection Branch, and the exclusive duty, except as provided in Section 1509.7 of the Military and Veterans Code, of any other peace officer listed in this subdivision, shall be the enforcement of the provisions of the Fish and Game

Code, as such duties are set forth in Sections 856, 851 and 878, respectively, of such code.

(f) The State Forester and such employees or classes of employees of the Division of Forestry of the Department of Conservation and voluntary fire wardens as are designated by him pursuant to Section 4156 of the Public Resources Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of such code.

(g) Officers and employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 1655 of such code.

(h) The secretary, chief investigator, and racetrack investigators of the California Horse Racing Board are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any horseracing enclosure licensed pursuant to the Horse Racing Law.

(i) Police officers of a regional park district, appointed or employed pursuant to Section 5561 of the Public Resources Code, and officers and employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of such code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as such duties are set forth in Sections 5561 and 5008, respectively, of such code.

(j) Members of the University of California police department appointed pursuant to Section 23501 of the Education Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 23501 of the Education Code.

(k) Policemen of the San Francisco Port Authority are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to the San Francisco Harbor, as that duty is set forth in Part 1 (commencing with Section 1690) of Division 6 of the Harbors and Navigation Code.

(l) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 13104 of such code.

(m) Members of an arson-investigating unit, regularly employed and paid as such, of a fire protection agency of the

state, of a county, city, or district, are peace officers; provided, that the primary duty of any such peace officer shall be the detection and apprehension of persons who have violated or who are suspected of having violated any fire law.

(n) The Chief and such inspectors of the Bureau of Food and Drug Inspections as are designated by him pursuant to subdivision (a) of Section 216 of the Health and Safety Code are peace officers; provided, that the exclusive duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 216 of such code.

(o) The authority of any peace officer listed in subdivisions (c) through (n), inclusive, extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6, or Section 1509.7 of the Military and Veterans Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

830.4. Security officers of the California State Police Division, the Sergeant at Arms of each house of the Legislature, guards and messengers of the Treasurer's office, the Director of the Department of Harbors and Watercraft and employees of such department designated by him pursuant to Section 71.2 of the Harbors and Navigation Code, members of a state college police department appointed pursuant to Section 24651 of the Education Code, the hospital administrator of a state hospital under the jurisdiction of the Department of Mental Hygiene and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code, any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code, persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code, special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission, the chief of toll services, captains, lieutenants, and sergeants employed by the Department of Public Works on vehicular crossings pursuant to Chapter 13 (commencing with Section 23250) of Division 11 of the Vehicle Code, and persons employed as members of a security patrol of a school district pursuant to Section 15832

of the Education Code are peace officers while engaged in the performance of the duties of their respective employments.

The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property the protection of which is the immediate duty of such officer.

830.5. (a) Any parole officer of the State Department of Corrections, placement or parole officer of the Youth Authority, probation officer, or deputy probation officer is a peace officer. Except as otherwise provided in this subdivision, the authority of any such peace officer shall extend only as to conditions of parole or of probation by any person in this state on parole or probation, or to the escape of any inmate or ward from a state institution, or to the transportation of such persons. The authority of any parole officer of the State Department of Corrections shall further extend to violations of any penal provisions of law which are discovered in the course of and arise in connection with his employment.

(b) Any warden, superintendent, supervisor, or guard employed by the Department of Corrections, and any officer or employee of each institution for delinquents of the Department of Youth Authority, is a peace officer. The authority of any such peace officer shall extend only as is necessary for the purpose of carrying out the duties of his employment. When he is carrying out his duties, any such supervisor, guard, officer or employee who is engaged in transportation of prisoners or apprehension of prisoners or wards who have escaped is a peace officer whether acting within or without this state.

(c) When, pursuant to Nevada law, an officer or employee of the Nevada State Prison has in his custody in California a prisoner of the State of Nevada whom he is transporting from the Nevada State Prison or any honor or forest camp in Nevada to another point in Nevada for the purposes of firefighting or conservation work, such officer or employee of the Nevada State Prison shall have the power to maintain custody of the prisoner in California and to retake the prisoner if he should escape in California to the same extent as if such officer or employee were a peace officer appointed under California law and the prisoner had been committed to his custody in proceedings under California law.

830.6. (a) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman, or as a deputy sheriff, and is assigned specific police functions by such authority, such person is a peace officer; provided, that the authority of such person as a peace officer shall extend only for the duration of such specific assignment.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, such person shall be vested with such powers of a peace officer as are expressly delegated him by the

summoning officer or as are otherwise reasonably necessary to properly assist such officer.

SEC. 2. Section 7 of the Agricultural Code is amended to read:

7. (a) Any person in whom the enforcement of any provision of this code is vested shall have the authority, as a public officer, to arrest, without a warrant, another person whenever such officer has reasonable cause to believe that the person to be arrested has, in his presence, violated any provision of this code, the violation of which is declared to be a public offense. If such violation is a felony, or if the arresting officer has reasonable cause to believe that the person to be arrested has violated a provision of this code which is declared to be a felony, although no felony has in fact been committed, he may make an arrest although the violation or suspected violation did not occur in his presence.

In any case in which an arrest is made pursuant to this authority for an offense declared to be a misdemeanor, the arresting officer may, instead of taking the person arrested before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code, unless the arrested person demands to be taken before a magistrate. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any person, acting pursuant to subdivision (a) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the arresting officer, at the time of such arrest, had reasonable cause to believe was lawful. No such officer shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

(c) Any person in whom the enforcement of any provision of this code is vested may serve all processes and notices throughout the state; provided, that county employees authorized to enforce the provisions of this code are authorized to serve processes and notices only within the boundaries of the county which employs them.

SEC. 3. Section 20431 of the Agricultural Code is repealed.

SEC. 4. Section 20432 of the Agricultural Code is amended to read:

20432. Each inspector may enforce the provisions of Chapter 5 (commencing with Section 484), Title 13, Part 1 of the Penal Code, with reference to theft of any animal or carcass, and is authorized, as a public officer, to arrest for any such offense. In the event of an arrest pursuant to this section, the provisions of Section 835a of the Penal Code shall apply as if the inspector were a peace officer.

SEC. 5. Section 20435 of the Agricultural Code is amended to read:

20435. If an inspector or peace officer finds any animal, hide, carcass, or portion of a carcass in the possession of any person that he has reason to believe is not the legal owner or entitled to the possession of it, he shall take possession of it or notify the person in possession where to leave it pending investigation.

SEC. 6. Section 27773 of the Agricultural Code is repealed.

SEC. 7. Section 27774 of the Agricultural Code is repealed.

SEC. 8. Section 27775 of the Agricultural Code is repealed.

SEC. 9. Section 27776 of the Agricultural Code is repealed.

SEC. 10. Section 27777 of the Agricultural Code is repealed.

SEC. 11. Section 27778 of the Agricultural Code is repealed.

SEC. 12. Section 29704 of the Agricultural Code is repealed.

SEC. 13. Section 29705 of the Agricultural Code is repealed.

SEC. 14. Section 29706 of the Agricultural Code is repealed.

SEC. 15. Section 29707 of the Agricultural Code is repealed.

SEC. 16. Section 29708 of the Agricultural Code is repealed.

SEC. 17. Section 29709 of the Agricultural Code is repealed.

SEC. 18. Section 42972 of the Agricultural Code is repealed.

SEC. 19. Section 42973 of the Agricultural Code is repealed.

SEC. 20. Section 42974 of the Agricultural Code is repealed.

SEC. 21. Section 42975 of the Agricultural Code is repealed.

SEC. 22. Section 42976 of the Agricultural Code is repealed.

SEC. 23. Section 160 of the Business and Professions Code is repealed.

SEC. 24. Section 160 is added to the Business and Professions Code, to read:

160. The chief and all investigators of the division of investigation of the department have the authority of peace officers while engaged in exercising the powers granted or performing the duties imposed upon them or the division in investigating the laws administered by the various boards comprising the department or commencing directly or indirectly any criminal prosecution arising from any investigation conducted under these laws. All persons herein referred to shall be deemed to be acting within the scope of employment with respect to all acts and matters in this section set forth.

SEC. 25. Section 4010.5 is added to the Business and Professions Code, to read:

4010.5. (a) The supervising pharmacy inspector and any pharmacy inspector employed by the board shall have the authority, as a public officer, to arrest, without a warrant, any person whenever such officer has reasonable cause to believe that the person to be arrested has, in his presence, violated any provision of this chapter or of Division 10.5 (commencing with Section 11901) of the Health and Safety Code, the violation of which is declared to be a public offense. If such violation is a felony, or if the arresting officer has reasonable cause to believe that the person to be arrested has violated any such provision which is declared to be a felony, although no felony has in fact been committed, he may make an arrest although the violation or suspected violation did not occur in his presence.

In any case in which an arrest authorized by this subdivision is made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting inspector may, instead of taking such person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any person, acting pursuant to subdivision (a) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful, or which the arresting officer, at the time of such arrest, had reasonable cause to believe was lawful. No such inspector shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

(c) Any such inspector may serve all processes and notices throughout the state.

SEC. 26. Section 4049.5 of the Business and Professions Code is amended to read:

4049.5. "Authorized officers of the law" means legally empowered peace officers and inspectors of the State Board of Pharmacy and of the State Bureau of Food and Drug Inspection.

SEC. 27. Section 7512 of the Business and Professions Code is amended to read:

7512. The governor may appoint a chief of the bureau, at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director.

The director may, in accordance with the State Civil Service Act, appoint and fix the compensation of such inspectors, investigators, and other personnel as may be necessary for the administration and enforcement of this chapter.

SEC. 28. Section 12013 of the Business and Professions Code is repealed.

SEC. 29. Section 12013 is added to the Business and Professions Code, to read:

12013. (a) Any sealer shall have the authority, as a public officer, to arrest, without a warrant, any person whenever such officer has reasonable cause to believe that the person to be arrested has, in his presence, violated any provision of this division, the violation of which is declared to be a public offense.

In any case in which an arrest is made pursuant to this authority for an offense declared to be a misdemeanor, the arresting officer may, instead of taking the person arrested before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code, unless the arrested person demands to be taken before a magistrate. The provisions of such chapter shall thereafter apply with respect to any proceeding based upon the issuance of a citation pursuant to this authority.

This subdivision shall not be interpreted to prevent further restriction by the board of supervisors of a county of the authority of a county sealer or his deputies to make arrests.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any person, acting pursuant to subdivision (a) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the arresting officer, at the time of such arrest, had reasonable cause to believe was lawful. No such officer shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

(c) Any sealer may serve all processes and notices throughout the state; provided, that county sealers and their deputies are authorized to serve processes and notices only within the boundaries of the county which employs them.

SEC. 30. Section 25755 of the Business and Professions Code is amended to read:

25755. The director and the persons employed by the department for the administration and enforcement of this division are peace officers in the enforcement of the penal provisions of this division, the rules of the department adopted under the provisions of this division, and any other penal provisions of law of this state prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding, or mislabeling of alcoholic beverages or intoxicating liquors, and such persons are authorized, while acting as peace officers, to enforce any penal provisions of law while they are in, on, or about any licensed premises in the course of their employment.

The director, the persons employed by the department for the administration and enforcement of this division, and peace officers listed in Section 830.1 of the Penal Code may, in

enforcing the provisions of this division, visit and inspect the premises of any licensee at any time during which the licensee is exercising the privileges authorized by his license on such premises.

SEC. 31. Section 15832 of the Education Code is amended to read:

15832. Persons employed and compensated as members of a security patrol of a school district, when appointed and duly sworn, are peace officers, as defined by Section 830.4 of the Penal Code, but only for the purpose of carrying out the duties of their employment.

SEC. 32. Section 16560 of the Education Code is amended to read:

16560. The governing board of any school district may appoint a person who shall have charge of the grounds, preserve order, protect the school property, plan, promote, and supervise recreational activities, and do all things necessary in the capacity of a representative of the board.

SEC. 33. Section 851 of the Fish and Game Code is amended to read:

851. A deputy appointed to enforce the provisions of this code is a peace officer. He has all the powers and authority conferred by law upon peace officers listed in Section 830.3 of the Penal Code to make arrests for violations of this code, and may serve all processes and notices throughout the state.

SEC. 34. Section 878 of the Fish and Game Code is amended to read:

878. The county fish and game warden shall enforce the state laws relating to the protection of fish and game. He has the powers and authority conferred by law upon peace officers listed in Section 830.3 of the Penal Code.

SEC. 35. Article 5 (commencing with Section 1400) of Chapter 2 of Division 4 of Title 1 of the Government Code is repealed.

SEC. 36. Section 9194.5 of the Government Code is amended to read:

9194.5. The Sergeant at Arms and Assistant Sergeants at Arms of each house shall have the powers and authority conferred by law upon peace officers listed in Section 830.4 of the Penal Code in all parts of the state in carrying out their duties, and shall not be liable to civil action for their acts in carrying out the orders of a Member of the Legislature presiding over any legislative proceeding, including sessions of the Legislature or either house thereof and hearings of legislative committees, or in carrying out the orders of a member to have any person removed from the office of such member, if such Sergeant at Arms or Assistant Sergeant at Arms acts without malice and in the reasonable belief that the member has the authority to issue the order.

SEC. 37. Section 12304 of the Government Code is amended to read:

12304. Every employee of the Treasurer's office when performing assigned duties as a guard or messenger has the powers and authority conferred by law upon peace officers listed in Section 830.4 of the Penal Code. The State Police shall make routine inspections of the premises of the State Treasurer's office after normal working hours each day and on Saturdays, Sundays, and holidays.

SEC. 38. Section 13071 of the Government Code is repealed.

SEC. 39. Section 18932 of the Government Code is amended to read:

18932. The board shall not establish any minimum or maximum age limits for any civil service examination, except in the cases of positions involving public health or safety or having the powers and duties of a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, and for trainee positions the board may establish minimum and maximum age limits. The board shall waive such age limits for persons competing in examinations on a promotional basis. The board may refuse to examine or after examination to declare or certify as eligible any one who is within one year of the compulsory retirement age provided by law for the class of positions to which the person seeks appointment.

Any person possessing all the minimum qualifications for any state position is eligible, regardless of his age, to take any civil service examination given for that position, except as provided in this section.

SEC. 40. Section 71.2 of the Harbors and Navigation Code is amended to read:

71.2. The department shall protect such small craft harbors under its jurisdiction from damage and preserve the peace therein. The director and such employees of the department as he may designate have the authority and powers conferred by law upon peace officers listed in Section 830.4 of the Penal Code for such harbors. The department may adopt such rules and regulations as may be necessary for the purposes of this section. A violation of such rules or regulations is a misdemeanor.

SEC. 41. Section 216 is added to the Health and Safety Code, to read:

216. (a) The Chief and such inspectors of the Bureau of Food and Drug Inspections as he may designate, are peace officers for the purpose only of carrying out the duties of their employment. The authority of any such peace officer shall extend to any place in the state as to any public offense committed, or which there is reasonable cause to believe has been committed, within this state which is a violation of any provision of Division 21 (commencing with Section 26001) of this code. Such authority shall further extend to violations of any penal provision of this code, the Business and Professions Code or the Penal Code which are discovered in the course of and arise in connection with the employment of such officers.

(b) Any inspector of the Bureau of Food and Drug Inspections shall have the authority, as a public officer, to arrest, without a warrant, any person who, in his presence, has violated, or as to whom there is probable cause to believe has violated, any provision of Chapter 1 (commencing with Section 26001), Chapter 2 (commencing with Section 26200) or Chapter 3 (commencing with Section 26450) of Division 21 of this code.

In any case in which an arrest authorized by this subdivision is made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting inspector may, instead of taking such person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

(c) There shall be no civil liability on the part of and no cause of action shall arise against any person, acting pursuant to subdivision (b) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the arresting inspector, at the time of such arrest, had reasonable cause to believe was lawful. No such inspector shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

(d) The Chief and inspectors of the Bureau of Food and Drug Inspections may serve all processes and notices throughout the state.

SEC. 42. Section 8325 of the Health and Safety Code is amended to read:

8325. The sexton, superintendent or other person in charge of a cemetery, and such other persons as the cemetery authority designates have the powers and authority of a peace officer listed in Section 830.4 of the Penal Code for the purpose of maintaining order, enforcing the rules and regulations of the cemetery association, the laws of the state, and the ordinances of the city or county, within the cemetery over which he has charge, and within such radius as may be necessary to protect the cemetery property.

SEC. 43. Section 11103 of the Health and Safety Code is amended to read:

11103. The Attorney General may, in conformity with the State Civil Service Act, employ such narcotics agents, chemists, clerical, and other employees as are necessary for the conduct of the affairs of the Bureau of Narcotic Enforcement. Two of the narcotics agents shall be registered licentiates in pharmacy.

SEC. 44. Section 11105 of the Health and Safety Code is amended to read:

11105. The chief and the narcotics agents appointed by him have the powers and authority conferred by law upon

peace officers listed in Section 830.3 of the Penal Code in the performance of their duties.

SEC. 45. Section 24231 of the Health and Safety Code is repealed.

SEC. 46. Section 26329 of the Health and Safety Code is repealed.

SEC. 47. Section 26551 of the Health and Safety Code is repealed.

SEC. 48. Section 26625 of the Health and Safety Code is amended to read:

26625. For purposes of this article, the health officer and his deputies shall have the same powers and authority as are possessed by inspectors of the Bureau of Food and Drug Inspections, as set forth in Section 216.

SEC. 49. Section 95 of the Labor Code is amended to read:

95. (a) The division may enforce the provisions of this code and all labor laws of the state the enforcement of which is not specifically vested in any other officer, board or commission. In the enforcement of such provisions and laws, the director, deputy director, and such officers and employees as the director may designate, shall have the authority, as public officers, to arrest without a warrant, any person who, in his presence, has violated or as to whom there is probable cause to believe has violated any of such provisions and laws.

In any case in which an arrest authorized by this subdivision is made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting officer may, instead of taking such person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

(b) There shall be no civil liability on the part of and no cause of action shall arise against any person, acting pursuant to subdivision (a) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the arresting officer, at the time of such arrest, had reasonable cause to believe was lawful. No such officer shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

(c) The director, deputy director, and such officers and employees as the director may designate, may serve all processes and notices throughout the state.

SEC. 50. 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. 51. Section 7 of the Penal Code is amended to read:

7. Words used in this code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person; the word "county" includes "city and county"; writing includes printing and typewriting; oath includes affirmation or declaration; and every mode of oral statement, under oath or affirmation, is embraced by the term "testify," and every written one in the term "depose"; signature or subscription includes mark, when the person cannot write, his name being written near it, by a person who writes his own name as a witness; provided, that when a signature is made by mark it must, in order that the same may be acknowledged or serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witnesses thereto.

The following words have in this code the signification attached to them in this section, unless otherwise apparent from the context:

1. The word "willfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act, or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire any advantage;

2. The words "neglect," "negligence," "negligent," and "negligently" import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concerns;

3. The word "corruptly" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of the act or omission referred to, or to some other person;

4. The words "malice" and "maliciously" import a wish to vex, annoy, or injure another person, or an intent to do a wrongful act, established either by proof or presumption of law;

5. The word "knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission;

6. The word "bribe" signifies anything of value or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence, unlawfully, the person to whom it is given, in his action, vote, or opinion, in any public or official capacity;

7. The word "vessel," when used with reference to shipping, includes ships of all kinds, steamboats, canalboats, barges, and every structure adapted to be navigated from place to place for the transportation of merchandise or persons;

8. The words "peace officer" signify any one of the officers mentioned in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2;

9. The word "magistrate" signifies any one of the officers mentioned in Section 808;

10. The word "property" includes both real and personal property;

11. The words "real property" are coextensive with lands, tenements, and hereditaments;

12. The words "personal property" include money, goods, chattels, things in action, and evidences of debt;

13. The word "month" means a calendar month, unless otherwise expressed; the word "daytime" means the period between sunrise and sunset, and the word "nighttime" means the period between sunset and sunrise;

14. The word "will" includes codicil;

15. The word "writ" signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer, and the word "process" a writ or summons issued in the course of judicial proceedings;

16. Words and phrases must be construed according to the context and the approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, must be construed according to such peculiar and appropriate meaning;

17. Words giving a joint authority to three or more public officers or other persons, are construed as giving such authority to a majority of them, unless it is otherwise expressed in the act giving the authority;

18. When the seal of a court or public officer is required by law to be affixed to any paper, the word "seal" includes an impression of such seal upon the paper alone, or upon any substance attached to the paper capable of receiving a visible impression. The seal of a private person may be made in like manner, or by the scroll of a pen, or by writing the word "seal" against his name;

19. The word "state," when applied to the different parts of the United States, includes the District of Columbia and the territories, and the words "United States" may include the district and territories;

20. The word "section," whenever hereinafter employed, refers to a section of this code, unless some other code or statute is expressly mentioned.

21. To "book" signifies the recordation of an arrest in official police records, and the taking by the police of fingerprints and photographs of the person arrested, or any of these acts following an arrest.

SEC. 52. Section 150 of the Penal Code is amended to read:

150. Every male person above 18 years of age who neglects or refuses to join the posse comitatus or power of the county, by neglecting or refusing to aid and assist in taking or arresting any person against whom there may be issued any

process, or by neglecting to aid and assist in retaking any person who, after being arrested or confined, may have escaped from such arrest or imprisonment, or by neglecting or refusing to aid and assist in preventing any breach of the peace, or the commission of any criminal offense, being thereto lawfully required by any uniformed peace officer or by any judge, is punishable by fine of not less than fifty dollars ($50) nor more than one thousand dollars ($1,000).

SEC. 53. Section 171c of the Penal Code is amended to read:

171c. Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, or any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, or a member of the military forces of this state or of the United States engaged in the performance of his duties, or a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code, shall be punished by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment, or by imprisonment in the state prison for not more than five years, if he does any of the following:

1. Brings a loaded firearm into, or possesses a loaded firearm within the State Capitol, any legislative office, any office of the Governor or other constitutional officer, any hearing room in which any committee of the Senate or Assembly is conducting a hearing, or upon the grounds of the State Capitol, which is bounded by 10th, L, 15th, and N Streets in the City of Sacramento.

2. Brings a loaded firearm upon, or possesses a loaded firearm upon, the grounds of any public school, including the University of California and the state colleges or within any public school, including the University of California and the state colleges, unless it is with the permission of the school authorities

SEC. 53 5. Section 171c of the Penal Code is amended to read:

171c. Any person, except a duly appointed peace officer as defined in Chapter 4 5 (commencing with Section 830) of Title 3 of Part 2, full-time paid peace officer of another state who is carrying out official duties while in California, or any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, or a full-time paid peace officer of the federal government, whether on active duty or honorably retired, or a member of the military forces of this state or of the United States engaged in the performance of his duties, or a person

holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code, shall be punished by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment, or by imprisonment in the state prison for not more than five years, if, with intent to commit a crime, he does any of the following:

1. Brings a loaded firearm into, or possesses a loaded firearm within the State Capitol, any legislative office, any office of the Governor or other constitutional officer, any hearing room in which any committee of the Senate or Assembly is conducting a hearing, or upon the grounds of the State Capitol, which is bounded by 10th, L, 15th, and N Streets in the City of Sacramento.

2. Brings a loaded firearm upon, or possesses a loaded firearm upon, the grounds of any public school, including the University of California and the state colleges, or within any public school, including the University of California and the state colleges, unless it is with the permission of the school authorities.

Possession of a loaded firearm as herein provided, shall be deemed reasonable cause for a peace officer to make an arrest under the provisions of this section.

SEC. 54. Section 171d of the Penal Code is amended to read:

171d. Any person, except a duly appointed peace officer as defined in Chapter 4 5 (commencing with Section 830) of Title 3 of Part 2, full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, or any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, or a member of the military forces of this state or of the United States engaged in the performance of his duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code, or the Governor or a member of his immediate family or a person acting with his permission with respect to the Governor's Mansion or any other residence of the Governor, any other constitutional officer or a member of his immediate family or a person acting with his permission with respect to such officer's residence, or a Member of the Legislature or a member of his immediate family or a person acting with his permission with respect to such legislator's residence, shall be punished by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment, or by imprisonment in the state prison for not more than five years, if he does any of the following:

1. Brings a loaded firearm into, or possesses a loaded firearm within, the Governor's Mansion, or any other residence

of the Governor, the residence of any other constitutional officer, or the residence of any Member of the Legislature.

2. Brings a loaded firearm upon, or possesses a loaded firearm upon, the grounds of the Governor's Mansion or any other residence of the Governor, the residence of any other constitutional officer, or the residence of any Member of the Legislature.

SEC. 54.5. Section 171d of the Penal Code is amended to read:

171d. Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, full-time paid peace officer of another state who is carrying out official duties while in California, or any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, or a full-time paid peace officer of the federal government, whether on active duty or honorably retired, or a member of the military forces of this state or of the United States engaged in the performance of his duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code, or the Governor or a member of his immediate family or a person acting with his permission with respect to the Governor's Mansion or any other residence of the Governor, any other constitutional officer or a member of his immediate family or a person acting with his permission with respect to such officer's residence, or a Member of the Legislature or a member of his immediate family or a person acting with his permission with respect to such legislator's residence, shall be punished by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment, or by imprisonment in the state prison for not more than five years if, with intent to commit a crime, he does any of the following:

1. Brings a loaded firearm into, or possesses a loaded firearm within, the Governor's Mansion, or any other residence of the Governor, the residence of any other constitutional officer, or the residence of any Member of the Legislature.

2. Brings a loaded firearm upon, or possesses a loaded firearm upon, the grounds of the Governor's Mansion or any other residence of the Governor, the residence of any other constitutional officer, or the residence of any Member of the Legislature.

Possession of a loaded firearm as herein provided, shall be deemed reasonable cause for a peace officer to make an arrest under the provisions of this section.

SEC. 55. Section 241 of the Penal Code is amended to read:

241. An assault is punishable by fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail not exceeding six months, or by both. When it is committed against the person of a peace officer or fireman, and

the person committing the offense knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, and such peace officer or fireman is engaged in the performance of his duties, the offense shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison not exceeding two years.

As used in this section, "peace officer" refers to any person designated as a peace officer by Section 830.1, Section 830.2, or by subdivision (a) of Section 830.6, as well as any policeman of the San Francisco Port Authority and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

SEC. 56. Section 243 of the Penal Code is amended to read:

243. A battery is punishable by fine of not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding six months, or by both. When it is committed against the person of a peace officer or fireman, and the person committing the offense knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, and such peace officer or fireman is engaged in the performance of his duties, the offense shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison for not less than one nor more than 10 years.

As used in this section, "peace officer" refers to any person designated as a peace officer by Section 830.1, Section 830.2, or by subdivision (a) of Section 830.6, as well as any policeman of the San Francisco Port Authority and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

SEC. 57. Section 245 of the Penal Code is amended to read:

245. (a) Every person who commits an assault upon the person of another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury is punishable by imprisonment in the state prison not exceeding 10 years, or in a county jail not exceeding one year, or by fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment. When a person is convicted of a violation of this section, in a case involving use of a deadly weapon or instrument, and such weapon or instrument is owned by such person, the court may, in its discretion, order that the weapon or instrument be deemed a nuisance and shall be confiscated and destroyed in the manner provided by Section 12028.

(b) Every person who commits an assault with a deadly weapon or instrument or by any means likely to produce great bodily injury upon the person of a peace officer or fireman, and who knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, when such peace officer or fireman is engaged in the performance of his duties shall be punished by imprisonment in

the state prison not exceeding 15 years; provided, that if such person has previously been convicted of a felony under the laws of this state or has previously been convicted of an offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable as a felony, he shall be punished by imprisonment in the state prison for five years to life.

As used in this section, "peace officer" refers to any person designated as a peace officer by Section 830.1, Section 830.2, or by subdivision (a) of Section 830.6, as well as any policeman of the San Francisco Port Authority and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

SEC. 58. Section 817 of the Penal Code is repealed.

SEC. 59. Section 836 of the Penal Code is amended to read:

836. A peace officer may make an arrest in obedience to a warrant, or may, pursuant to the authority granted him by the provisions of Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, without a warrant, arrest a person:

1. Whenever he has reasonable cause to believe that the person to be arrested has committed a public offense in his presence.

2. When a person arrested has committed a felony, although not in his presence.

3. Whenever he has reasonable cause to believe that the person to be arrested has committed a felony, whether or not a felony has in fact been committed.

SEC. 60. Section 1203.12 of the Penal Code is amended to read:

1203.12. The probation officer shall furnish to each person who has been released on probation, and committed to his care, a written statement of the terms and conditions of his probation unless such a statement has been furnished by the court, and shall report to the court, or judge, releasing such person on probation, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

SEC. 61. Section 12027 of the Penal Code is amended to read:

12027. Section 12025 does not apply to or affect any of the following:

(a) Peace officers listed in Section 830.1 or 830.2, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(b) The possession or transportation by any merchant of unloaded firearms as merchandise.

(c) Members of the Army, Navy, or Marine Corps of the United States, or the National Guard, when on duty, or organi-

zations which are by law authorized to purchase or receive such weapons from the United States or this state.

(d) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their respective organizations.

(e) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.

(f) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using any of the firearms referred to in this chapter upon such target ranges, or while going to and from such ranges.

(g) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

(h) Members of any club or organization organized for the purpose of collecting and displaying antique or historical pistols, revolvers or other firearms, while such members are displaying such weapons at meetings of such clubs or organizations or while going to and from such meetings, or individuals who collect such firearms not designed to fire, or incapable of firing fixed cartridges or fixed shot shells, or other firearms of obsolete ignition type for which ammunition is not readily available and which are generally recognized as collector's items, provided such firearm is kept in the trunk. If the vehicle is not equipped with a trunk, such firearm shall be kept in a locked container in an area of the vehicle other than the utility or glove compartment.

SEC. 62. Section 12031 of the Penal Code is amended to read:

12031. (a) Except as provided in subdivision (b), every person who carries a loaded firearm on his person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to any of following:

(1) Peace officers listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.3, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(2) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money,

treasure, bullion, bonds, or other thing of value within this state.

(3) Members of the military forces of this state or of the United States engaged in the performance of their duties.

(4) Persons who are using target ranges for the purpose of practice shooting with a firearm, or who are members of shooting clubs while hunting on the premises of such clubs.

(5) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (i) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (ii) must be not less than 21 years of age nor more than 40 years of age, (iii) must possess physical qualifications prescribed by the commission, and (iv) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(6) The carrying of concealable weapons by persons who are authorized to carry such weapons pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code.

(7) Private investigators, private patrol operators, and operators of a private patrol service who are licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(8) The carrying of weapons by persons who are authorized to carry such weapons pursuant to Section 607f of the Civil Code, while actually engaged in the performance of their duties pursuant to such section.

(9) Harbor policemen designated pursuant to Section 663.5 of the Harbors and Navigation Code.

(10) Building guards or night watchmen employed by any public agency, while acting within the scope and in the course of their employment.

(c) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on his person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to the provisions of this section constitutes probable cause for arrest for violation of this section.

(d) As used in this section "prohibited area" means any place where it is unlawful to discharge a weapon.

(e) A firearm shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm; except that a muzzle-

loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(f) Nothing in this section shall prevent any person engaged in any lawful business, including a nonprofit organization, or any officer, employee, or agent authorized by such person for lawful purposes connected with such business, from having a loaded firearm within such person's place of business, or any person in lawful possession of private property from having a loaded firearm on such property.

(g) Nothing in this section shall prevent any person from carrying a loaded firearm in an area within an incorporated city while engaged in hunting, during such time and in such area as the hunting is not prohibited by the city council.

(h) Nothing in this section is intended to preclude the carrying of any loaded firearm, under circumstances where it would otherwise be lawful, by a person who reasonably believes that the person or property of himself or another is in immediate danger and that the carrying of such weapon is necessary for the preservation of such person or property.

(i) Nothing in this section is intended to preclude the carrying of a loaded firearm by any person while engaged in the act of making or attempting to make a lawful arrest.

(j) Nothing in this section shall prevent any person from having a loaded weapon, if it is otherwise lawful, at his place of residence, including any temporary residence or campsite.

SEC. 62.5. Section 12031 of the Penal Code is amended to read:

12031. (a) Except as provided in subdivision (b), every person who carries a loaded firearm on his person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to any of following:

(1) Peace officers listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.3, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace who reasonably believes that it is or will be necessary to make or attempt to make a lawful arrest and that the carrying of a loaded firearm is necessary to make such arrest in assisting such officer, or full-time paid peace officers of the federal government, whether on active duty or honorably retired.

(2) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state, or while traveling by means of a reasonably direct and

uninterrupted route between their respective places of work and their homes.

(3) Members of the military forces of this state or of the United States engaged in the performance of their duties.

(4) Persons who are using target ranges for the purpose of practice shooting with a firearm, or who are members of shooting clubs while hunting on the premises of such clubs.

(5) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (i) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (ii) must possess physical qualifications prescribed by the commission, and (iii) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(6) The carrying of weapons, not otherwise prohibited by law, by persons who are authorized to carry such weapons pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code.

(7) Private investigators, private patrol operators, building guards or night watchmen, and operators of a private patrol service who are licensed or employed by persons licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment, or while traveling by means of a reasonably direct and uninterrupted route between their respective places of work and their homes.

(8) The carrying of weapons by persons who are authorized to carry such weapons pursuant to Section 607f of the Civil Code, while actually engaged in the performance of their duties pursuant to such section.

(9) Harbor policemen designated pursuant to Section 663.5 of the Harbors and Navigation Code.

(10) Building guards or night watchmen employed by any public agency, while acting within the scope and in the course of their employment.

(c) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on his person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to the provisions of this section is a misdemeanor.

(d) As used in this section "prohibited area" means any place where it is unlawful to discharge a weapon.

(e) A firearm shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in, or attached in any manner to, the

firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm; except that a muzzleloader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder. The mere presence in a vehicle of a firearm and unexpended ammunition capable of being discharged from such firearm, without such ammunition being in, or attached in any manner to, the firearm, shall not be enough to consider a firearm to be loaded.

(f) Nothing in this section shall prevent any person engaged in any lawful business, including a nonprofit organization, or any officer, employee, or agent authorized by such person for lawful purposes connected with such business, from having a loaded firearm within such person's place of business, or any person in lawful possession of private property from having a loaded firearm on such property.

(g) Nothing in this section shall prevent any person from carrying a loaded firearm in an area within an incorporated city while engaged in hunting, during such time and in such area as the hunting is not prohibited by the city council.

(h) Nothing in this section is intended to preclude the carrying of any loaded firearm, under circumstances where it would otherwise be lawful, by a person who reasonably believes that the person or property of himself or another, at a particular time or place, is or will be in immediate danger and that the carrying of such weapon is presently necessary for the preservation of such person or property.

(i) Nothing in this section is intended to preclude the carrying of a loaded firearm by any person who (1) is engaged in the act of making or attempting to make a lawful arrest, or (2) reasonably believes that it is or will be necessary to make or attempt to make a lawful arrest and that the carrying of such weapon is presently necessary to make such arrest.

(j) Nothing in this section shall prevent any person from having a loaded weapon, if it is otherwise lawful, at his place of residence, including any temporary residence or campsite.

SEC. 63. Section 12302 of the Penal Code is amended to read:

12302. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of destructive devices by:

(a) Any peace officer listed in Section 830.1 or 830.2, or any peace officer in the Department of Justice authorized by the Attorney General, while on duty and acting within the scope and course of his employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of his employment.

Nothing in this chapter shall prohibit the sale to, purchase by, or possession by any person who is a regularly employed and paid officer, employee or member of a fire department or fire protection or firefighting agency of the federal govern-

ment, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, while on duty and acting within the scope and course of his employment, of any equipment used by such department or agency in the course of fire suppression.

SEC. 63.5. Section 12302 of the Penal Code is amended to read:

12302. Nothing in this chapter shall prohibit the sale to, purchase by, possession of, or use of destructive devices by:

(a) Any peace officer listed in Section 830.1 or 830.2, or any peace officer in the Department of Justice authorized by the Attorney General, while on duty and acting within the scope and course of his employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of his employment.

Nothing in this chapter shall prohibit the sale to, purchase by, possession by, or use by any person who is a regularly employed and paid officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, while on duty and acting within the scope and course of his employment, of any equipment used by such department or agency in the course of fire suppression.

SEC. 64. Section 12501 of the Penal Code is amended to read:

12501. Nothing in this chapter shall prohibit any peace officer listed in Section 830.1, or the military or naval forces of this state or of the United States from possessing silencers for official use in the discharge of their duties.

SEC. 66. Section 4156 of the Public Resources Code is amended to read:

4156. The State Forester, such employees or classes of employees of the division who may be designated by the State Forester, and voluntary firewardens designated by the State Forester, have the powers conferred by law upon peace officers listed in Section 830.3 of the Penal Code; provided, that the primary duty of any such peace officer shall be the enforcement of forest laws and regulations, state and county fire laws and regulations, and the laws relating to explosives as set forth in Part 1 (commencing with Section 12000) of Division 11 of the Health and Safety Code, other than laws the enforcement of which is primarily the responsibility of the State Fire Marshal. Officers, employees and voluntary firewardens, upon request pursuant to Section 1509.7 of the Military and Veterans Code, shall have the full powers and duties of peace officers for all purposes as provided by the Penal Code and are not liable to civil action for trespass committed in the discharge of their duties.

Any such peace officer may enforce federal fire laws to the extent that he is authorized to do so.

SEC. 67. Section 5008 of the Public Resources Code is amended to read:

5008. The department shall protect the state park system from damage and preserve the peace therein.

The director may designate any officer or employee of the department a peace officer for the state park system. The primary duties of any such peace officer shall be the enforcement of the rules and regulations of the department, the provisions of Section 267 and Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code, and the rules and regulations of the Harbors and Watercraft Commission, and to arrest persons for the commission of public offenses within the state park system. The authority and powers of any such peace officer shall be limited to those conferred by law upon peace officers listed in Section 830.3 of the Penal Code.

Any person who violates the rules and regulations established by the department is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding 90 days, or by a fine not exceeding five hundred dollars ($500), or by both such fine and imprisonment.

SEC. 68. Section 5008.5 of the Public Resources Code is repealed.

SEC. 69. Section 308 of the Public Utilities Code is amended to read:

308. The commission shall appoint a secretary, who shall hold office during its pleasure. The secretary shall keep a full and true record of all proceedings of the commission, issue all necessary process, writs, warrants, and notices, and perform such other duties as the commission prescribes.

The commission may appoint assistant secretaries who may serve warrants and other process in any county or city and county of this state.

SEC. 70. Section 8226 of the Public Utilities Code is amended to read:

8226. The Governor of the state may, upon the application of any railroad or steamboat company, appoint and commission during his pleasure one or more persons designated by such company, to serve at the expense of the company, as policemen, who shall have the powers and authority of peace officers listed in Section 830.4 of the Penal Code and who, after being duly sworn, may act as policemen upon the premises, cars, or boats of the company. The company designating such persons shall be responsible civilly for any abuse of their authority.

SEC. 71. Section 21252 of the Public Utilities Code is amended to read:

21252. (a) The division, its members, the director, officers and employees of the division, and every state and peace of-

ficer charged with the enforcement of state and subordinate laws or ordinances, shall enforce and assist in the enforcement of this part, the rules and orders issued under this part, and all other laws of this state relating to aeronautics. In the enforcement of such rules, orders, and laws, the director, and such officers and employees as the director may designate, shall have the authority, as public officers, to arrest without a warrant, any person who, in his presence, has violated or as to whom there is probable cause to believe has violated any of such rules, orders, or laws.

In any case in which an arrest authorized by this subdivision is made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting officer may, instead of taking such person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

(b) There shall be no civil liability on the part of and no cause of action shall arise against any person, acting pursuant to subdivision (a) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the arresting officer, at the time of such arrest, had reasonable cause to believe was lawful. No such officer shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

(c) The director, and such officers and employees as the director may designate, may serve all processes and notices throughout the state.

SEC. 72. Section 8252 of the Revenue and Taxation Code is amended to read:

8252. The board may employ attorneys, accountants, auditors, investigators, and other expert and clerical assistance necessary to enforce its powers and perform its duties under this part.

SEC. 73. Section 10402 of the Revenue and Taxation Code is repealed.

SEC. 74. Section 27178 of the Streets and Highways Code is repealed.

SEC. 75. Section 1655 of the Vehicle Code is amended to read:

1655. The director, deputy director, manager of compliance services, manager of investigations program, and investigators of the department shall have the powers of peace officers for the purpose of enforcing those provisions of law now or hereafter committed to the administration of the department.

SEC. 75.5. Section 23252 of the Vehicle Code is amended to read:

23252. The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Public Works shall

have the powers and authority of peace officers as listed in Section 830.4 of the Penal Code while so employed on any vehicular crossing or as may be necessary to the performance of their duties while not upon such vehicular crossing. Captains, lieutenants, and sergeants so employed shall wear, while on duty, a uniform which shall be distinctly different from that of the California Highway Patrol, to be specified by the Director of Public Works.

SEC. 76. Section 584 of the Welfare and Institutions Code is amended to read:

584. Every probation officer, assistant probation officer, and deputy probation officer shall have the powers and authority conferred by law upon peace officers listed in Section 830.5 of the Penal Code.

SEC. 77. Section 1076 of the Welfare and Institutions Code is amended to read:

1076. The officers and employees of each institution under this chapter shall have the powers and authority of peace officers listed in Section 830.5 of the Penal Code.

SEC. 78 Section 4312 of the Welfare and Institutions Code, as added by Chapter 402 of the Statutes of 1968, is amended to read:

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 the powers and authority conferred by law upon peace officers listed in Section 830.4 of the Penal Code. 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.

SEC. 79. It is the intent of the Legislature that the changes effected by this legislation shall serve only to define peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers and duties, and that there be no change in the status of individual peace officers or classes of peace officers for purposes of retirement, workmen's compensation or similar injury or death benefits, or other employee benefits.

SEC. 80. Section 53.5 of this act shall become operative only if Senate Bill No. 355 is enacted by the Legislature at its 1968 session and, as enacted, amends Section 171c of the Penal Code, and in such case at the same time as Senate Bill No 355 takes effect; at which time Section 171c of the Penal Code, as amended by Section 53 of this act is repealed.

SEC. 81. Section 54 5 of this act shall become operative only if Senate Bill No. 355 is enacted by the Legislature at its 1968 session and, as enacted, amends Section 171d of the

Penal Code, and in such case at the same time as Senate Bill No. 355 takes effect; at which time Section 171d of the Penal Code, as amended by Section 54 of this act is repealed.

SEC. 82. Section 62.5 of this act shall become operative only if Senate Bill No. 355 is enacted by the Legislature at its 1968 session and, as enacted, amends Section 12031 of the Penal Code, and in such case at the same time as Senate Bill No. 355 takes effect; at which time Section 12031 of the Penal Code, as amended by Section 62 of this act is repealed.

SEC. 83. Section 63.5 of this act shall become operative only if Senate Bill No. 287 is enacted by the Legislature at its 1968 session and, as enacted, amends Section 12302 of the Penal Code, and in such case at the same time as Senate Bill No. 287 takes effect; at which time Section 12302 of the Penal Code, as amended by Section 63 of this act is repealed.

CHAPTER 1223

An act to amend Sections 634 and 700 of the Welfare and Institutions Code, relating to appointment of counsel for juveniles.

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

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

SECTION 1. Section 634 of the Welfare and Institutions Code is amended to read:

634. When it appears to the court that the minor or his parent or guardian desires counsel but is unable to afford and cannot for that reason employ counsel, the court may appoint counsel. In any case in which the minor is alleged to be a person described in Section 601 or 602, he shall be represented by counsel and the court shall appoint counsel for the minor if the minor or his parent or guardian desires counsel but is unable to afford and cannot for that reason employ counsel, unless there is an intelligent waiver of the right of counsel by the minor. If the parent or guardian does not furnish counsel and the court determines that such parent or guardian has the ability to pay, the court shall appoint counsel at the expense of the parent or guardian. In any case in which it appears to the court that there is such a conflict of interest between a parent or guardian and child that one attorney could not properly represent both, the court may appoint counsel, in addition to counsel already employed by a parent or guardian or appointed by the court to represent the minor or parent or guardian. In a county where there is no public defender the court may fix the compensation to be paid by the county for service of such appointed counsel.

SEC. 2. Section 700 of the Welfare and Institutions Code is amended to read:

700. At the beginning of the hearing on a petition filed pursuant to Article 7 (commencing with Section 650), the judge or clerk shall first read the petition to those present and upon request of the minor upon whose behalf the petition has been brought or upon the request of any parent, relative or guardian, the judge shall explain any term of allegation contained therein and the nature of the hearing, its procedures, and possible consequences. The judge shall ascertain whether the minor and his parent or guardian or adult relative, as the case may be, has been informed of the right of the minor to be represented by counsel, and if not, the judge shall advise the minor and such person, if present, of the right to have counsel present and where applicable, of the right to appointed counsel. If such person is unable to afford counsel and desires to have the minor represented by counsel, the court may in a case in which the minor is alleged to be within the provisions of Section 600, appoint counsel to represent the minor. In any case in which the minor is alleged to be a person described in Section 601 or 602, he shall be represented by counsel and the court shall appoint counsel to represent the minor if the minor or his parent or guardian desires counsel but is unable to afford and cannot for that reason employ counsel, unless there is an intelligent waiver of the right of counsel by the minor. If the parent or guardian does not furnish counsel and the court determines that such parent or guardian has the ability to pay, the court shall appoint counsel at the expense of the parent or guardian. The court shall continue the hearing for not to exceed seven days, as necessary to make an appointment of counsel, or to enable counsel to acquaint himself with the case, or to determine whether the parent or guardian or adult relative is unable to afford counsel at his own expense, and shall continue the hearing as necessary to provide reasonable opportunity for the minor and the parent or guardian or adult relative to prepare for the hearing.

CHAPTER 1224

An act to amend Section 25.5 of the Civil Code, relating to minors.

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

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

SECTION 1. Section 25.5 of the Civil Code is amended to read:

25.5. Notwithstanding any other provision of the law, any minor who has reached the age of 18 years may give consent to

the donation of his blood and to the penetration of tissue which is necessary to accomplish such donation. Such consent shall not be subject to disaffirmance because of minority. The consent of the parent or parents of such a minor shall not be necessary in order to authorize such donation and such penetration of tissue.

CHAPTER 1225

An act to add Section 903.2 to, and to amend Sections 904, 905, 906, 907, and 908 of, the Welfare and Institutions Code, relating to minors.

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

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

SECTION 1. Section 903.2 is added to the Welfare and Institutions Code, to read:

903.2. The juvenile court may require that the father, mother, spouse, or other person liable for the support of a minor person, the estates of such persons, and the estate of such minor person, shall be liable for the cost to the county of the probation supervision of the minor person pursuant to the order of the juvenile court, by the probation officer. The liability of such persons (in this article called relatives) and estates shall be a joint and several liability.

SEC. 2. Section 904 of the Welfare and Institutions Code is amended to read:

904. The monthly or daily charge, not to exceed cost, for care, support, and maintenance of minor persons placed or detained in or committed to a county institution by order of a juvenile court, the cost of legal services referred to by Section 903.1, and the cost of probation supervision referred to by Section 903.2 shall be determined by the board of supervisors.

SEC. 3. Section 905 of the Welfare and Institutions Code is amended to read:

905. Except as otherwise ordered by the juvenile court, the county officer or officers designated by the board of supervisors of the county may reduce, cancel, or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the cost of legal services referred to by Section 903.1, or for the cost of probation supervision referred to by Section 903.2, or for the care, support and maintenance of a minor person placed or detained in or committed to any county institution or other place, pursuant to an order of the juvenile court of that county on satisfactory proof that the estate or relative, as the case may be, is unable to pay the cost of such legal services, care, support, and maintenance.

If the representative of the estate or the relative liable for the care, support, and maintenance of, or for the cost of legal

services rendered to, or for the cost of probation supervision of, the minor claims that the minor's estate or relative is financially unable to pay the amounts established under this article for the care, support, and maintenance of, or legal services rendered to, or probation supervision of, the minor, he may make such claim in writing to the probation officer of the county in which the juvenile court making the order of placement, detention, or commitment is located. The probation officer shall, upon receipt of such a claim, make an investigation to determine whether the minor's estate or responsible relative is financially able to pay the said amounts established under this article, or any part thereof, and report the results of his investigation to the juvenile court. On receipt of the probation officer's report, the juvenile court shall hear and determine the claim, and may order that the representative of the estate or the relative pay all of the said amounts established under this article or any part thereof which the juvenile court finds that the estate or relative is financially able to pay.

SEC. 4. Section 906 of the Welfare and Institutions Code is amended to read:

906. The county officer or officers designated by the board of supervisors of the county shall collect all costs and charges mentioned in Sections 903, 903.1 and 903.2 or established by order of the juvenile court and may take such action in the name of the county as is necessary to effect their collection within or without the state.

SEC. 5. Section 907 of the Welfare and Institutions Code is amended to read:

907. The county officer or officers designated by the board of supervisors of the county shall, following entry of an order by the juvenile court in that county that a minor person be represented by the public defender or private attorney, or be placed under the probation supervision of the probation officer and liability be imposed as provided in Section 903.2, or be placed, or detained in, or committed to a county institution or other place, make investigation to determine the moneys, the property, or interest in property, if any, the minor person has, and whether he has a duly appointed and acting guardian to protect his property interests. The designated county officer or officers shall also make an investigation to determine whether the minor person has any relative or relatives responsible under the provisions of Section 903, 903.1 or 903.2 for the payment of the cost of legal services, probation supervision or care, support, and maintenance of such minor person, and shall ascertain the financial condition of such relative or relatives to determine whether in each case such relative or relatives are in fact financially able to pay such charges.

SEC. 6. Section 908 of the Welfare and Institutions Code is amended to read:

908. Where the juvenile court has ordered payment of money to be made for the cost of legal services referred to by Section 903.1, for the cost of probation supervision referred to by Section 903.2, or for the cost of care, support or maintenance in any county institution or as reimbursement to the county for the expense of support and maintenance of any ward, dependent child or other minor person as provided in this article or as additional payment for the expense of support and maintenance of such ward, dependent child or other minor person to the person, association, or institution that under court order is caring for and maintaining such ward, dependent child or other minor person, either from the earnings, property, or estate of such ward, dependent child or other minor person, or by his parents or guardian, or by any other person liable for his support, upon affidavit of the probation officer that any payment is due and has not been made, execution may issue for such payment upon the order and at the discretion of the court, after 15 day's prior notice to the person or estate ordered to make such payment.

CHAPTER 1226

An act to add Section 518 to the Welfare and Institutions Code, and to add Section 3364.55 to the Labor Code, relating to the juvenile court law.

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

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

SECTION 1. Section 518 is added to the Welfare and Institutions Code, to read:

518. The board of supervisors of a county may provide a ward of the juvenile court engaged in rehabilitative work without pay, under an assignment by order of the juvenile court to a work project in a county department, with workmen's compensation benefits for injuries sustained while performing such rehabilitative work, in accordance with Section 3364.55 of the Labor Code.

SEC. 2. Section 3364.55 is added to the Labor Code, to read:

3364.55. Notwithstanding Sections 3351 and 3352, a ward of the juvenile court engaged in rehabilitative work without pay, under an assignment by order of the juvenile court to a work project in a county department, shall, upon the adoption of a resolution of the board of supervisors declaring that such ward is deemed an employee of the county for purposes of this division, be entitled to the workmen's compensation benefits

provided by this division for injury sustained while in the performance of such assigned work project, provided:

(a) That such ward shall not be entitled to any temporary disability indemnity benefits.

(b) That in determining permanent disability benefits, average weekly earnings shall be taken at the minimum provided therefor in Section 4453.

CHAPTER 1227

An act to amend Section 16105 of the Vehicle Code, relating to motor vehicles.

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

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

SECTION 1. Section 16105 of the Vehicle Code is amended to read:

16105. The suspension and storage of such motor vehicle shall continue until either:

(a) The owner or driver has complied with one of the conditions for exemption from security requirements.

(b) Security has been deposited.

(c) The owner or driver gives proof of ability to respond in damages in accordance with Section 16430 by having a motor vehicle liability policy, as defined in Section 16450, which is in effect for three years, issued and certified as provided in Section 16431 by an insurance carrier duly authorized to do business in this state to cover any damage which might result from the ownership or operation of the motor vehicle.

(d) All judgments or claims referred to in this division have been discharged.

(e) A period of one year has elapsed following the date of such accident or following the date when such security was required, and during such time no action at law for any damages arising out of the accident or upon a duly acknowledged settlement agreement has been instituted and is pending.

(f) Possession of the vehicle has been taken by or for a legal owner thereof or by or for another lienholder.

(g) Possession of the vehicle has been taken by or for a licensed automobile wrecker for the purpose of dismantling the vehicle and an application for the issuance of a certificate of dismantling has been made.

(h) The department has suspended the registration privilege under authority of Section 16370 as the result of a judgment arising out of the same cause of action for which security was required in the suspension authorized under Section 16080.

CHAPTER 1228

An act to add Sections 155.11 and 155.12 to the Revenue and Taxation Code, and to add Section 43012 to the Government Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 155.11 is added to the Revenue and Taxation Code, to read:

155.11. Notwithstanding anything in this code to the contrary, the board of supervisors of any county may provide that any person who on the lien date in 1967 was the owner of, or had in his possession or under his control, any taxable real property or improvements or both, or who paid or pays the taxes on any such real property or improvement or both, which real property or improvement or both was physically damaged or destroyed in November 1967, by the flood in Los Angeles County or any person who purchased or otherwise acquired such real property or improvement or both after the lien date, may, within 30 days after the effective date of this section, make application for reassessment of such real property or improvement or both and deliver to the assessor a written statement, under oath, claiming the condition and value, if any, of the real property or improvement or both immediately after the damage or destruction, which damage must be shown therein to be in excess of one thousand dollars ($1,000) full cash value. The assessor shall reassess the real property or improvement or both within 30 days after receiving the application for reassessment, according to the condition and value immediately after the damage or destruction, and the assessor shall transmit to the local board of equalization a description of the real property or improvement or both so assessed, the name of the person making the application in connection with the real property or improvement or both, and the value of the real property or improvement so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the real property or improvement or both so assessed appeared at the time of its original assessment shall be applied to the amount of the equalized reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the tax shall be determined as follows:

(a) One-third of the tax shall be computed on the original assessment of the real property or improvement or both and two-thirds of the tax computed on the basis of the reassessment.

(b) With respect to all property on the secured roll, the taxpayer shall be liable for the first installment of the tax on all property on the secured roll as computed on the original equalized assessment of all such property. The second installment of tax on the secured roll shall be the difference if any, between the amount due on the first installment and the total tax due. Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

(c) With respect to real property or improvements or both on the unsecured roll, he shall be liable for one-third of the tax computed on the original assessment of the real property or improvements or both and two-thirds of the tax computed on the reassessment of the real property or improvements or both. Any difference between the tax as computed on the original assessment and one-third of the tax computed on the original assessment plus two-thirds computed on the reassessment shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

SEC. 2. Section 155.12 is added to the Revenue and Taxation Code, to read:

155.12. Notwithstanding anything in this code to the contrary, the board of supervisors may by ordinance provide that every person who at 12:01 a.m. on the first day of March, 1968, was the owner of, or had in his possession, or under his control, any taxable property, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity, prior to July 1, 1968, in an area or region subsequently proclaimed by the Governor to be in a state of disaster may, within the time specified in the ordinance, make application for reassessment of such property and deliver to the assessor a written statement under oath, accompanied by a certificate of a disinterested competent person or authority, showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of one thousand dollars ($1,000). The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the local board of equalization a description of the property so reassessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassess-

ment 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.

This section applies to all counties, whether operating under a charter or under the general laws of this state.

SEC. 3. Section 43012 is added to the Government Code, to read:

43012. Notwithstanding any other provision of law, the city legislative body may by ordinance provide that every person who at 12:01 a.m. on the first day of March, 1968, was the owner of, or had in his possession or under his control, any taxable property, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity prior to July 1, 1968, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, may, within the time specified in the ordinance, make application for the reassessment of such property and deliver to the assessing official of the city a written statement under oath, accompanied by a certificate of a disinterested competent person or authority showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown thereon to be in excess of one thousand dollars ($1,000). The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the local board of equalization a description of the property so reassessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment 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, as an erroneously collected tax.

This section shall apply to all cities, whether operating under a charter or the general laws of this state.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety

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

The recent disastrous flood in Los Angeles County, and the recent disastrous riots in the County of Contra Costa have, destroyed and damaged real property and improvements to such an extent that unless partial relief from taxation is given to the owners thereof, there is grave danger that they may be unable to pay the taxes currently levied thereon. In order that property tax relief may be afforded at the earliest possible time to the people in these stricken areas, it is necessary that this act go into immediate effect.

CHAPTER 1229

An act to amend Section 602.9 of the Penal Code, relating to disruptive presence at schools.

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

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

SECTION 1. Section 602.9 of the Penal Code is amended to read:

602.9. Any person who comes into any school building or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful business thereon, and whose presence or acts interfere with the peaceful conduct of the activities of such school or disrupt the school or its pupils or school activities, and who remains there, after being asked to leave by the chief administrative official of that school or any designated agent of the chief administrative official who possesses a standard supervision credential or a standard administration credential or who carries out the same functions as a person who possesses such a credential or, in the absence of the chief administrative official, the person acting as the chief administrative official, is guilty of a misdemeanor.

The term "school" as used in this section means any elementary school, junior high school, senior high school, or junior college.

The term "lawful business" as used in this section means a reason for being present upon school property which is not otherwise prohibited by statute, by ordinance, or by any regulation adopted pursuant to statute or ordinance.

CHAPTER 1230

An act to add Article 7 (commencing with Section 6499.21) to Chapter 6.5 of Division 6 of the Education Code, relating to compensatory education.

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

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

SECTION 1. Article 7 (commencing with Section 6499.21) is added to Chapter 6.5 of Division 6 of the Education Code, to read:

Article 7. Talent Search and Development

6499.21. The State Board of Education shall, provided that federal funds are available for the purpose or funds have been appropriated therefor by the Legislature, approve and provide for the establishment of not to exceed 20 pilot programs directed to developing methods and techniques for identification of mentally gifted children within the educationally handicapped and culturally deprived elements of the school-age population, and improving the academic performance of such children.

The programs shall be conducted in selected school districts, including districts in both urban and rural areas, and districts of varying sizes. The programs shall be established and conducted over a period of three consecutive fiscal years, commencing with the 1968–1969 fiscal year, and shall, under the direction of the Director of Compensatory Education and subject to all other provisions of this chapter not inconsistent with this article, be coordinated with and considered an integral part of any other programs of compensatory education being conducted pursuant to this chapter.

6499.22. Programs established under this article shall have the following essential purposes:

(a) To develop instrumentalities, techniques, and procedures for identifying mentally gifted children and assessing their intellectual potential. The procedure for identifying gifted disadvantaged minors shall not be limited to testing programs, but shall include other suitable methods.

(b) To devise procedures, methods, and programs, whether innovative, experimental, or otherwise, to raise the aspirations and the level of academic achievement of disadvantaged minors who are identified as gifted.

(c) To augment the resources and effectiveness of established compensatory education programs and related educational undertakings.

6499.23. Upon the identification and selection of gifted disadvantaged minors for participation in programs under

this article, the particular problems and needs of the individuals shall be ascertained.

6499.24. The programs to be provided for gifted disadvantaged minors shall be directed to the problems and needs of the minors, and shall include group activities of an instructive and educational nature; enriched curriculum and instruction, including new approaches to language development, reading, science, mathematics, and other academic subjects; parental participation or involvement; field trips; and auxiliary services, including guidance, counseling and health services. Experimentation in grouping of pupils, as means of enhancing the effectiveness of the programs, may be undertaken in connection with any or all of the program activities.

6499.25. In-service education and training of instructional and staff personnel shall be an integral element of programs established under this article.

The assistance and participation of public and private institutions of higher education shall be secured to the extent practicable.

The Director of Compensatory Education shall require the submission, by the governing boards of the school districts in which programs under this article are established, of periodic reports concerning the nature and scope of the programs and evaluating their effectiveness. He shall direct the continuing review and evaluation of the programs.

6499.26. The governing board of a school district, in any application for available federal and state funds submitted for purposes of this chapter, may include a request for funds for purposes of a program established pursuant to this article.

6499.27. On or before the 10th legislative day of the 1970, 1971, and 1972 Regular Sessions of the Legislature, the Department of Education shall submit to each house thereof a report concerning the pilot programs established pursuant to this article, and the effectiveness thereof.

CHAPTER 1231

An act to add Sections 1464 and 1465 to the Education Code, relating to ballot arguments in school elections.

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

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

SECTION 1. Section 1464 is added to the Education Code, to read:

1464. If the county superintendent of schools finds that any argument to be printed pursuant to Section 1461 contains an erroneous statistical fact or facts, he shall submit a statement of statistical facts concerning the school measure, which

can be readily ascertained from the records of the county, school district, or Department of Education. The county superintendent of schools or other person conducting the election shall cause such statement to be printed and distributed with the argument for and the argument against the measure and the card giving notice of the election.

SEC. 2. Section 1465 is added to the Education Code, to read:

1465. All arguments prepared pursuant to this article and any statement submitted pursuant to Section 1464 shall be verified in the same manner as a pleading in a civil action.

CHAPTER 1232

An act to amend Section 12403 of the Penal Code, relating to tear gas.

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

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

SECTION 1. Section 12403 of the Penal Code is amended to read:

12403. Nothing in this chapter shall prohibit police departments and regular salaried members thereof, the California Highway Patrol and regular salaried members thereof, sheriffs, and their regular salaried deputies, the military or naval forces of this state or of the United States, or employees of the Youth and Adult Corrections Agency for use in control of prisoners from purchasing, possessing or transporting shells, cartridges or bombs for official use in the discharge of their duties.

CHAPTER 1233

An act to add Section 72602.11 and 72602.12 to the Government Code, relating to judges.

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

SEC. 2. Section 72602.12 is added to the Government Code, to read:

72602.12. In addition to the number of judges specified in Section 72602, there shall be one additional judge in the East Los Angeles Municipal Court District.

CHAPTER 1234

An act to amend Section 69588 of the Government Code, relating to courts.

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

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

SECTION 1. Section 69588 of the Government Code is amended to read:

69588. In the County of Marin there shall be five judges of the superior court.

CHAPTER 1235

An act to add Sections 53205.05 and 53205.15 to the Government Code, relating to insurance benefits for school district employees and their dependents.

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

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

SECTION 1. Section 53205.05 is added to the Government Code, to read:

53205.05. In addition to benefits provided under Section 53205, the governing board of any school district, on and after July 1, 1971, may use school district funds for payment of all, or such portion as it may elect, of the premiums, dues, or other charges for insurance or health benefits coverage for its employees, including but not limited to, medical, dental, life, and income protection insurance or benefits.

SEC. 2. Section 53205.15 is added to the Government Code, to read:

53205.15. In addition to benefits provided the spouse and dependent children under the age of 21 of a school district employee under Section 53205.1, the governing board of any school district, on and after July 1, 1971, may use school district funds for payment of all, or such portion as it may elect, of the premiums, dues, or other charges for insurance or health benefits coverage on such spouse and dependent children, including but not limited to, medical, dental, life, and income protection insurance or benefits.

CHAPTER 1236

An act to amend and renumber Section 7185, as enacted by Chapter 1098 of the Statutes of 1967, and to add Section 7187 to the Financial Code, relating to savings and loan associations.

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

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

SECTION 1. Section 7185 of the Financial Code, as enacted by Chapter 1098 of the Statutes of 1967, is amended and renumbered to read:

7186. Unless otherwise provided in the note evidencing a loan made after the effective date of this section, if any principal prepayment occurs pursuant to the terms of the note, an association may defer payment of any further installment on the note until such time as the amount of the next succeeding monthly installments after such principal prepayment, including principal and interest, equals or exceeds the amount of any such principal prepayment.

SEC. 2. Section 7187 is added to the Financial Code, to read:

7187. Subject to such rules and regulations as the commissioner may prescribe, an association may make loans, advance credit, and purchase obligations representing loans and advances of credit, for the purpose of financing the acquisition of mobile dwellings. Any rules or regulations promulgated by the commissioner shall be made after determining that such rules or regulations are in the interests of investors and associations generally, and are in the public interest.

"Mobile dwelling," as used in this section, means a vehicle, other than a motor vehicle, which exceeds 8 feet in width and 40 feet in length, designed or used for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

CHAPTER 1237

An act to add Sections 14053.5 and 14053.6 to the Welfare and Institutions Code, relating to medical assistance.

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

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

SECTION 1. Section 14053.5 is added to the Welfare and Institutions Code, to read:

14053.5. For the purposes of subdivision 12 of Section 14053, the term "prescribed drug" shall not include any drug

which, because of differing prices charged by the manufacturer on a discriminatory basis or discriminatory refusal to sell by the manufacturer, or both, is not available on the same terms and conditions to all providers of prescription services, or any drug which is found to be overpriced in comparison to another drug which has an equivalent therapeutic effect, unless the administrator determines that the drug is vital to the program and no acceptable substitute is available.

Before the administrator determines that any drug has an equivalent therapeutic effect in comparison to another drug, or is vital to the program and no acceptable substitute is available, he must have received a report to that effect from the Medical Therapeutics and Drug Advisory Committee.

Nothing in this section shall be construed to apply to quantity or other nondiscriminatory discounts available on the same terms and conditions to all providers of prescription services, to sales by competitive bidding to federal, state or local governmental agencies, or to sales to wholesalers so long as the manufacturer does not require or induce the wholesalers to make the drug available other than on the same terms and conditions to all providers of prescription services.

This section shall not be construed to deny reimbursement to hospitals for prescribed drugs furnished to inpatients or, unless the regulations provide to the contrary, to registered outpatients.

SEC. 2. Section 14053.6 is added to the Welfare and Institutions Code, to read:

14053.6. Prior to including or excluding any drug from the program, the administrator shall give adequate notice to those California associations of health professionals and those recognized national associations of pharmaceutical manufacturers that are affected by such action and shall seek and consider the advice of those associations.

SEC. 3. This act shall become operative on January 1, 1969.

CHAPTER 1238

An act to amend Section 1276 of the Penal Code, relating to bail.

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

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

SECTION 1. Section 1276 of the Penal Code is amended to read:

1276. When an arrest has been made without a warrant for the commission of a bailable offense, and the person so arrested has not been taken before a magistrate and no warrant fixing bail has been issued for the arrest of such person,

a magistrate, as defined in Section 808, in the county in which the offense was committed or having jurisdiction of the person of the defendant, or a commissioner of the court of such magistrate, shall have authority to fix and take bail for the appearance of such person before a magistrate, provided that if such magistrate or commissioner is a municipal or justice court judge or a commissioner of a municipal or justice court, he shall have the authority to fix and take bail for the appearance only of persons who were arrested or booked within the geographical boundaries of his judicial district Upon the taking of bail so fixed the magistrate or commissioner shall make and sign an order for the release of the arrested person and shall set a time and place for the appearance of such person before a magistrate. A copy of such order shall be delivered to the magistrate before whom said person is directed to appear and a copy delivered to the prosecuting authority having jurisdiction to prosecute the offense. Each of said copies shall be delivered not less than 24 hours before the date and hour of the appearance so fixed. The provisions of Section 1274 shall not apply to admission to bail under this section.

CHAPTER 1239

An act to amend Section 17261 of the Education Code, relating to property valuations for allocation of money to school districts, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 17261 of the Education Code is amended to read:

17261. On the basis of computations made by the State Board of Equalization, the secretary of that board shall certify on or before October 1st of each year to the Superintendent of Public Instruction the factor, carried to three decimal places, by which the total assessed value of all tangible property on the current local roll of each county must be modified to conform to the statewide average assessment level; provided that property belonging to a county, city and county, or municipal corporation which is taxable under Section 1, Article XIII of the Constitution and constituting more than 10 percent of the total assessed value of the taxable property within a school district shall be excluded from the assessed value and the full cash value that are used to compute such factor.

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 various school districts to project state financial support and prospective budgets more accurately during the 1968–69 fiscal year, it is necessary for this act to take effect immediately.

CHAPTER 1240

An act to add Sections 215.5 and 768.5 to the Public Utilities Code, relating to cable television.

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

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

SECTION 1. Section 215.5 is added to the Public Utilities Code, to read:

215.5. "Cable television corporation" shall mean any corporation or firm which transmits television programs by cable to subscribers for a fee.

SEC. 2. Section 768.5 is added to the Public Utilities Code, to read:

768.5. The commission may, after a hearing, by general or special orders, rules, or otherwise, require every cable television corporation to construct, maintain, and operate its plant, system, equipment, apparatus, and premises in such manner as to promote and safeguard the health and safety of its employees, customers, and the public, and may prescribe, among other things, the installation, use, maintenance, and operation of appropriate safety or other devices or appliances, establish uniform or other standards of construction and equipment, and require the performance of any other act which the health or safety of its employees, customers, or the public may demand.

Nothing in this section shall be construed to either grant or deny a cable antenna television corporation the right to use the easement of a public utility.

CHAPTER 1241

An act to add Section 14120 to, and to repeal Sections 14006.5, 14103.7 and 14120 of, the Welfare and Institutions Code, relating to medical assistance.

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

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

SECTION 1. Section 14006.5 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 14103.7 of the Welfare and Institutions Code is repealed.

SEC. 3. Section 14120 of the Welfare and Institutions Code is repealed.

SEC. 4. Section 14120 is added to the Welfare and Institutions Code, to read:

14120. (a) At the beginning of each fiscal year, the director shall establish a monthly schedule of anticipated total payments and anticipated payments for categories of services, according to the categories established in the Governor's Budget.

(b) The director shall report actual total payments and payments for categories of services, as set forth in subdivision (a), monthly to the Director of Finance and to the Joint Legislative Budget Committee.

(c) At any time during the fiscal year, if the director has reason to believe that the total cost of the program will exceed available funds, he may, first modify the method or amount of payment for services, provided that no amount shall be reduced more than 10 percent and no modification will conflict with federal law. If such modification is not sufficient to bring the program within available funds, the director may postpone elective services. Such postponement of elective services shall be accomplished by changing the standards for approval of requests for prior authorizations. Such changes shall be designed to insure that those recipients most in need of elective services receive them first within the funds available, but that no particular service is completely eliminated.

(d) At any time during the fiscal year, if the total amounts paid since the beginning of the fiscal year exceed by 10 percent the amounts scheduled to have been paid by that time, the director shall immediately institute the action set forth in subsection (c) above.

(e) At any time during the fiscal year, if the total amounts paid for any category of service exceeds by 10 percent the amounts scheduled to have been paid by that time (other than services for which the method or amount of payment is prescribed by the Secretary of Health, Education, and Welfare pursuant to Title XIX of the Federal Social Security Act), the director shall modify the method or amount of payment for such category of service to assure that the total amount paid for such category of service in the fiscal year shall not exceed the total amount scheduled.

(f) Before any of the above actions are taken by the director, he shall consult with representatives of concerned provider groups.

CHAPTER 1242

An act to amend Section 14056 of, and to add Sections 14054.5, 14103.4, and 14103.6 to, the Welfare and Institutions Code, relating to Medi-Cal.

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

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

SECTION 1. Section 14054.5 is added to the Welfare and Institutions Code, to read:

14054.5. "Elective services" means any treatment service which generally can be postponed without seriously affecting the health of the person requiring the service.

SEC. 2. Section 14056 of the Welfare and Institutions Code is amended to read:

14056. "Minimum coverage" means prescribed drugs for public assistance recipients as established by the Administrator of the Health and Welfare Agency, and care or coverage specified in paragraphs (1), (2), (3), (4), and (5) of Section 14053, except that it shall not include elective services.

SEC. 3. Section 14103.4 is added to the Welfare and Institutions Code, to read:

14103.4. The director, with the advice of the Health Review and Program Council, shall determine which of the health care and related remedial or preventive services are elective. The director and the Health Review and Program Council shall consult with representatives of providers of such services before making a determination.

SEC. 4. Section 14103.6 is added to the Welfare and Institutions Code, to read:

14103.6. Prior authorization by consultants retained for that purpose may be required for those services determined by the director. The director may also require that any individual provider must receive prior authorization before providing services when the director determines that the provider has been rendering unnecessary services.

At any time the director determines that it is necessary to postpone elective services pursuant to Section 14120, he shall require prior authorization for those services determined to be generally elective under the provisions of Section 14103.4, except a service which costs less than one hundred dollars ($100) or a lower amount determined by the director. Such lower amount may be applied generally or for specific services. The director may terminate the requirement for prior authorization when he determines that it is no longer necessary to postpone elective services.

Prior authorization for services provided by persons licensed under the provisions of Chapter 4 (commencing with Section 1600) and Chapter 7 (commencing with Section 3000) of Division 2 of the Business and Professions Code shall be

determined by consultants licensed under Chapter 4 or Chapter 7 respectively. Prior authorization for all other elective services shall be determined by consultants licensed under the provisions of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

In no event shall prior authorization be required when there is a bona fide emergency requiring immediate treatment.

CHAPTER 1243

An act to add Section 68092.5 to the Government Code, relating to witnesses.

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

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

SECTION 1. Section 68092.5 is added to the Government Code, to read:

68092.5. A person who is not a party to the action and who is required to testify before any court or tribunal, or in the taking of a deposition, in any civil action or proceeding, solely as to any expert opinion which he holds upon the basis of his special knowledge, skill, experience, training or education, and who is qualified as an expert witness shall receive reasonable compensation for his entire time required to travel to and from the place where the court or other tribunal, or in the taking of a deposition, the place of taking such deposition, is located and while he is required to remain at such place pursuant to subpoena. The court may fix the compensation for such appearance, in addition to such witness fees otherwise allowed by law, at such amount as seems reasonable to the court, upon motion by any party to the action or by the person required to testify and such fees shall be paid by the party requiring such witness to attend, but such fees shall not be allowable costs or disbursements.

An express contract entered into between a person and the party requesting or requiring him to testify, relating to compensation, shall be enforceable and shall prevail over the provisions of this section.

CHAPTER 1244

An act to amend Section 13557 of the Education Code, relating to rights and duties of teachers.

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

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

SECTION 1. Section 13557 of the Education Code is amended to read:

13557. Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, or principal shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 10854 of this code.

CHAPTER 1245

An act to amend Section 1420 of the Labor Code, relating to fair employment practices.

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

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

SECTION 1. Section 1420 of the Labor Code is amended to read:

1420. It shall be an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California:

(a) For an employer, because of the race, religious creed, color, national origin, or ancestry of any person, to refuse to hire or employ him or to bar or to discharge from employment such person, or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

(b) For a labor organization, because of the race, religious creed, color, national origin, or ancestry of any person, to exclude, expel or restrict from its membership such person, or to provide only second-class or segregated membership or to discriminate against any person because of the race, religious creed, color, national origin, or ancestry of such person in the election of officers of the labor organization or in the selection of the labor organization's staff or to discriminate in any way against any of its members or against any employer or against any person employed by an employer.

(c) For any person to discriminate against any person in the selection or training of that person in any apprenticeship training program because of the race, religious creed, color, national origin, or ancestry of the person discriminated against.

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any publication,

or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, religious creed, color, national origin, or ancestry or any intent to make any such limitation, specification or discrimination.

(e) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden under this act or because he has filed a complaint, testified or assisted in any proceeding under this part.

(f) For any person to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this part, or to attempt to do so.

CHAPTER 1246

An act to add Section 72602.9 to the Government Code, relating to municipal courts.

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

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

SECTION 1. Section 72602.9 is added to the Government Code, to read:

72602.9. On March 1, 1969, the number of judges prescribed by Section 72602 for the Citrus Judicial District shall be increased to a total of five judges.

CHAPTER 1247

An act to repeal Part 3 (commencing with Section 1101) of Division 1 of the Agricultural Code, relating to the Poultry Improvement Commission.

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

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

SECTION 1. Part 3 (commencing with Section 1101) of Division 1 of the Agricultural Code is repealed.

SEC. 2. Notwithstanding any provision of law to the contrary, the revenue in the Poultry Testing Project Fund on the operative date of this act is transferred to the General Fund.

SEC. 3. Notwithstanding any provision of law to the contrary, the Department of General Services shall sell to the highest bidder all of the real property in Modesto and Keyes belonging to the Poultry Improvement Commission and shall deposit the proceeds of the sale in the General Fund.

SEC. 4. This act shall become operative on October 3, 1969.

CHAPTER 1248

An act to add Section 152.6 to the Business and Professions Code, relating to renewal date of licenses.

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

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

SECTION 1. Section 152.6 is added to the Business and Professions Code, to read:

152.6. Notwithstanding any other provision of this code, each board within the department shall, in cooperation with the director, establish such license periods and renewal dates for all licenses in such manner as best to distribute the renewal work of all boards throughout each year and permit the most efficient, and economical use of personnel and equipment. To the extent practicable, provision shall be made for the proration or other adjustment of fees in such manner that no person shall be required to pay a greater or lesser fee than he would have been required to pay if the change in license periods or renewal dates had not occurred.

As used in this section "license" includes "certificate," "permit," "authority," "registration," and similar indicia of authority to engage in a business or profession, and "board" includes "board," "commission," "committee," and an individual who is authorized to renew a license.

CHAPTER 1249

An act to add Section 892 to the Welfare and Institutions Code, relating to capital outlay purposes and making an appropriation therefor.

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

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

SECTION 1. Section 892 is added to the Welfare and Institutions Code, to read:

892. (a) From any state moneys made available to it for that purpose, the Youth Authority shall provide state assistance pursuant to this section to defray, in whole or part, the cost of construction of border check station facilities by any city which applies therefor.

"City" as used in this section means any city with a population in excess of 500,000 as determined by the last decennial census, all or part of the boundaries of which are contiguous with the boundaries of a foreign country adjoining this state.

(b) "Construction," as used in this section, includes construction of new buildings and acquisition of existing buildings and initial equipment of any such buildings to serve as a border check station facility. It does not include the cost of land acquisition.

(c) The amount of state assistance which shall be provided to any city shall not exceed 100 percent of the project cost approved by the Youth Authority, and, in no event shall it exceed one hundred thousand dollars ($100,000) for any one project.

(d) Application for state assistance for construction funds under this section shall be made to the Youth Authority in the manner and form prescribed by the Youth Authority. The Youth Authority shall prescribe the time and manner of payment of state assistance, if granted.

(e) The Youth Authority shall adopt and prescribe the minimum standards of construction for such border check station facility. No city shall be entitled to receive any state funds provided for in this section unless and until the minimum standards and qualifications referred to in this section are complied with by such city. Type and standards of construction shall be approved by the city architect's office, city department of public works, or such city department having jurisdiction over public construction.

SEC. 2. There is appropriated from the General Fund to the Youth Authority the sum of one hundred thousand dollars ($100,000), of which sum ten thousand dollars ($10,000) shall be made available for the 1968–1969 fiscal year to be used for planning, and the balance, less any applicable federal funds, in the 1969–1970 fiscal year or at such time as the construction of Interstate Highway No. 5 is commenced, whichever is later, for construction of border check station facilities.

CHAPTER 1250

An act to amend Sections 32731, 32732, 32733, 32765, 32766, 32767, 32912, 32792, 32793, 32901, 32915, 33321, 33921, 35101, 35191, 35192, 61305, 61411, and 61842 of, to amend the heading of Chapter 7 (commencing with Section 33901) of Part 1 of Division 15 of, to amend the headings of Article 2 (commencing with Section 33921) of Chapter 7 and Article 6 (commencing with Section 35101) of Chapter 12 of Part 1 of Division 15 of, to amend and renumber Section 61390 of, to add Chapter 6 (commencing with Section 38901) to Part 3 of Division 15 of, to add Section 61390 to, to repeal Sections 32507 and 32908 of, to repeal Section 35192 and to repeal Chapter 6 (commencing with Section 38901) of Part 3 of Division 15 of, the Agricultural Code, relating to products resembling milk products.

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

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

SECTION 1. Section 32507 of the Agricultural Code is repealed.

SEC. 2. Section 32908 of the Agricultural Code is repealed.

SEC. 4. Section 32731 of the Agricultural Code is amended to read:

32731. The director may do all of the following:

(a) Enter and inspect any premises or conveyance where any provision of this division is applicable.

(b) Take a sample of any milk, cream, product of milk or cream, or product resembling milk products.

(c) Impound and hold for analysis or as evidence any milk, cream, product of milk or cream, or product resembling milk products.

(d) Impound and hold for analysis or as evidence any container of milk, cream, or product of milk or cream.

(e) Examine, inspect, test or by other means determine the health of any cow or goat.

(f) Exclude from the herd any animal which produces milk that is unfit for human consumption.

SEC. 5. Section 32732 of the Agricultural Code is amended to read:

32732. No prosecution which is based upon a sample of milk, cream, a product of milk or cream, or a product resembling milk products shall be had unless a duplicate of the sample is left with the accused.

Samples which are taken in connection with the establishment of proof of fraudulent manipulation of the tests for the basis of payment for milk or cream, need not, however, be given to the accused.

SEC. 6. Section 32733 of the Agricultural Code is amended to read:

32733. Samples of milk, milk products, and products resembling milk products to be tested for coliform bacteria shall be taken at the plant where packaged or from delivery vehicles owned or operated by the plant.

Sampling procedures and laboratory methods for the determination of coliform bacteria shall be established by regulations issued by the director to insure accuracy of the sampling.

SEC. 7. Section 32765 of the Agricultural Code is amended to read:

32765. The director may condemn any product of milk or cream or product resembling a milk product which is within any of the following classes:

(a) Impure, unclean, unwholesome, or stale.

(b) Produced or manufactured, handled, or kept in an insanitary place.

(c) Adulterated or mislabeled.

SEC. 8. Section 32766 of the Agricultural Code is amended to read:

32766. The director may destroy or mark for identification with a nontoxic substance, any condemned product of milk or cream or product resembling a milk product.

SEC. 9. Section 32767 of the Agricultural Code is amended to read:

32767. No manufactured product of milk or cream or product resembling a milk product may be destroyed by the director without due notice to the owner of the product, and a hearing before the director or an officer designated by him.

SEC. 9.1. Section 32792 of the Agricultural Code is amended to read:

32792. The director shall do all of the following:

(a) Collect, compile, and publish statistics relative to the dairy industry, oleomargarine, and products resembling milk products.

(b) Disseminate the statistics and other information useful to the general good and development of the dairy industry of the state.

SEC. 10. Section 32793 of the Agricultural Code is amended to read:

32793. The director shall provide blanks for reporting statistics on milk and milk products and on products resembling milk products. He shall, on or before the first of each month, cause to be mailed to each person that is engaged in operating any milk products plant, any plant in which products resembling milk products are manufactured, and to each market milk distributor such number of the blanks as may be necessary. Each person that is engaged in operating any such plant, or that is a market milk distributor shall, within 30 days after the blank is mailed to him, transmit to the director a full and accurate report of the amount of milk and milk products and products resembling milk products which he produced, purchased, manufactured or distributed during the preceding month.

SEC. 10.1. Section 32901 of the Agricultural Code is amended to read:

32901. It is unlawful for any person to sell, give away, deliver, or knowingly purchase or receive any milk, cream, product of milk or cream, imitation milk, imitation cream, product resembling a milk product, or any substitute for any milk product which does not conform to the standards which are established by this division. It is unlawful for any person to sell, give away, deliver, or knowingly purchase or receive as, or for, milk or cream any product which is prepared or manufactured by the mixing or blending of milk, skim milk, or any of the derivatives of milk or skim milk, with butter.

SEC. 10.2. Section 32915 of the Agricultural Code is amended to read:

32915. The labeling requirements of Sections 32912, 32913 and 32914 also apply to milk and cream which is sold in bulk to the wholesale trade and to milk and cream which is sold by any milk products plant for processing purposes. When any nonnutritive or artificial sweetener is added to any milk product or product resembling a milk product, the words "artificially sweetened" shall become a part of the name of the product.

SEC. 11. Section 32912 of the Agricultural Code is amended to read:

32912. Every milk product or product resembling a milk product at the time of sale to the retail trade shall be labeled and billed with the correct name of the product and shall conform to all other requirements for special labeling of the product which are provided in this division and the regulations for its enforcement.

SEC. 12. Section 33321 of the Agricultural Code is amended to read:

33321. It is unlawful for any person to do any of the following:

(a) Prevent, interfere with, or attempt to nullify in any way the work of any duly authorized representative of the department or of an approved milk inspection service in the enforcement of any provision of this division.

(b) Interfere with or prevent any such representative from examining any records or books in the conduct of his official duty.

(c) Prevent or interfere with any such representative if he deems it advisable to secure samples of milk or any product of milk, product resembling milk products, imitation butter, or oleomargarine, or any substance which is designed to be used as a substitute for milk or any product of milk.

SEC. 13. The heading of Chapter 7 (commencing with Section 33901) of Part 1 of Division 15 of the Agricultural Code is amended to read:

CHAPTER 7. CHEESE PACKAGING ROOMS AND PLANTS FOR PRODUCTS RESEMBLING MILK PRODUCTS

SEC. 14. The heading of Article 2 (commencing with Section 33921) of Chapter 7 of Part 1 of Division 15 of the Agricultural Code is amended to read:

Article 2. Plants for Products Resembling Milk Products

SEC. 15. Section 33921 of the Agricultural Code is amended to read:

33921. All of the provisions of Chapter 6 (commencing with Section 33701) of this division, apply to any building or structure in which any product resembling a milk product is manufactured, processed, or compounded, except that food which does not affect the flavor or quality of such products may be handled in such building or structure.

SEC. 16. The heading of Article 6 (commencing with Section 35101) of Chapter 12 of Part 1 of Division 15 of the Agricultural Code is amended to read:

Article 6. Oleomargarine and Imitation Ice Cream Licenses

SEC. 17. Section 35101 of the Agricultural Code is amended to read:

35101. It is unlawful for any person, unless he has a license to do so, to engage in the business of manufacturing, freezing, or processing; or to sell, deal in, or furnish as a keeper of any hotel, restaurant, boardinghouse, or other place where meals are served and payment is received for the meals, any of the following:

(a) Oleomargarine, or margarine, colored oleomargarine or colored margarine, renovated butter, or a substitute for butter.

(b) Imitation cheese or substitute for cheese.

(c) Imitation ice cream or imitation ice milk.

SEC. 18. Section 35191 of the Agricultural Code is amended to read:

35191. Every person that manufactures or imports any oleomargarine or margarine, or any substance designed as a substitute for butter, or that resembles butter, which is not made wholly from pure milk or cream, or any product resembling a milk product, shall keep a record, which gives the quantity that is sold or purchased, the name and location of the seller and purchaser, the date, and the place to which it was shipped or delivered.

SEC. 19. Section 35192 of the Agricultural Code is repealed.

SEC. 20. Chapter 6 (commencing with Section 38901) of Part 3 of Division 15 of the Agricultural Code is repealed.

SEC. 21. Chapter 6 (commencing with Section 38901) is added to Part 3 of Division 15 of the Agricultural Code, to read:

CHAPTER 6. PRODUCTS RESEMBLING MILK PRODUCTS

Article 1. General Provisions

38901. The production and distribution of products resembling milk products, is hereby declared to be a business affected with a public interest. The provisions of this chapter are enacted in the exercise of the police powers of this state for the purpose of protecting the health, safety, and welfare of the people of this state.

38902. The Legislature further finds and declares all of the following:

(a) There is an increasing advent into the marketplace of food products which in appearance, taste and other physical characteristics resemble milk products, which are frequently mistaken by consumers for milk and milk products, which are used for the same or similar purposes as milk and milk products, which are frequently manufactured, transported and sold in the same places as milk and milk products, which are frequently packaged in the same types, sizes and shapes of containers as milk and milk products, which are suitable media for the growth and multiplication of micro-organisms; but which food products contain fats and oils other than milk fat in combination with milk products or contain no milk products.

(b) It is necessary in order to prevent and avoid false, misleading and deceptive marketing of such products resembling milk products, and in order to prevent deception and confusion among consumers, and in order to protect public health, that this chapter be enacted, and that the director from time to time promulgate regulations governing the labeling, identification and sanitary production of all such products.

38903. The provisions of this chapter do not apply to:

(a) Oleomargarine subject to Chapter 8 (commencing with Section 39351).

(b) A distinctive proprietary food compound which complies with all of the following requirements:

(1) Not readily mistaken in taste for milk, or for evaporated, skim, condensed, or dried milk.

(2) Prepared and designed for feeding infants and young children.

(3) Sold exclusively by druggists, orphanages, child welfare associations, hospitals, and similar institutions or for shipment outside of this state.

(c) Imitation cheese subject to Chapter 8 (commencing with Section 39351).

(d) Imitation ice cream and ice milk subject to Chapter 7 (commencing with Section 39151).

(e) Any product resembling a milk product which resembling product is subjected to a temperature high enough to sterilize the product and is packaged in an hermetically sealed container.

38904. Except as provided in this section, no products resembling milk products shall be used in any of the charitable or penal institutions that receive assistance from the state. If the state is informed in writing that government holdings of milk or milk products cannot be purchased or acquired by the state, the Department of General Services may purchase for use in state institutions such products if requested to do so by the director of the department which has control of any state institutions for which such product is intended.

38905. The following persons shall not place before any patron or employee, for use as food, any product resembling milk products, unless there is displayed in a prominent place in each room where the meals are served, a sign which bears the words "beverages and products which are not milk products are served here," in blackfaced letters of not less than four inches in height upon a white background, or unless the words are printed on a menu which is furnished to such patrons or employees, in legible type, no smaller than that which is used to describe other food items on the menu, and upon the same portion of the menu where other food items are described:

(a) The keeper or proprietor, person in charge or employee of any bakery, hotel, boardinghouse, restaurant, lunch counter, or any other place where food or drink is served to the public.

(b) A person who furnishes board for other than members of his own family, or any employee where such board is furnished as compensation or as a part of the compensation of any employee.

38906. If a provision of this chapter and a provision of the Health and Safety Code are applicable to the same person and subject matter, the provisions of this chapter shall prevail.

38907. If any article, section, subdivision, sentence or clause of any provision of this chapter is for any reason adjudged unconstitutional or unenforceable, such decision does not affect the validity of the remaining provisions of this chapter. The Legislature hereby declares that it would have enacted all provisions of this chapter irrespective of the fact that one or more of such provisions is adjudged unconstitutional or unenforceable.

38908. The provisions of this chapter shall not be construed as necessitating any alterations or deviations in the normal and traditional methods of manufacturing, distributing, and selling products resembling milk products, except insofar as such methods specifically violate provisions of this chapter.

Article 2. Definitions

38911. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

38912. "Products resembling milk products" means any food product for human consumption, except those referred to in Section 38903, which has the appearance, taste, smell, texture or color of a milk product and which, taken as a whole, bears resemblance to a milk product, or could be mistaken for a milk product.

38913. "Filled product" means a product resembling a milk product, other than an imitation milk product, which filled product contains oils or fats other than milk fat in combination with a milk product.

38914. "Imitation milk product" means a product which contains oils or fats other than milk fat in combination with a milk product, and which complies with the provisions of this chapter governing imitation milk products.

38915. "Nondairy product" means a product resembling a milk product, but which nondairy product contains no milk or milk solids.

38916. Nondairy products and filled products are collectively referred to in this chapter as "trade products."

Article 3. Standards

38921. An imitation milk product shall contain not less than the same percentage of milk solids not fat, and not less than the same percentage by weight of edible oils or fats, as milk solids not fat or milk fat, or both, are required by this code, or by any regulations thereunder, for the milk or milk product imitated. Any such imitation milk product may con-

tain emulsifiers and stabilizers in a maximum percentage not to exceed six-tenths of 1 percent emulsifiers or stabilizers, or both, or in such other maximum percentage as may be established from time to time by the director through regulation duly issued. Except for such emulsifiers and stabilizers, and for such fat or oil other than milk fat, an imitation milk product may not contain any ingredient other than an ingredient permitted in the milk or milk product imitated.

38922. The director may establish, upon the application of any interested person, definitions and standards of identity for any trade product or group of trade products, if he finds that the establishment of such standard would be in the public interest. Such standard shall not be construed to prohibit the sale of any trade product not meeting the standard, but shall prohibit the use of terms of identity assigned to products meeting the standards by products which do not meet them.

38923. The standards of purity (bacterial standards) of imitation milk products shall be those of the milk product imitated.

38924. The director shall adopt regulations providing for the healthfulness and standard of purity of trade products. The regulations shall be those reasonably necessary to ensure that the products are safe for human consumption under the circumstances under which they are likely to be offered for sale and consumed.

38925. When the use of market milk or any derivative or component of market milk is required in any milk product, any fluid milk, fluid skim milk, fluid cream, milk fat or milk solids which is used in a product resembling or imitating such milk product shall be market milk.

Article 4. Plant Licensing

38931. It is unlawful to engage in the manufacture of products resembling milk products, unless a license for the then current calendar year for each separate plant or place used for such business is issued by the director pursuant to this article.

38932. Applications for a license shall be in the form which shall be prescribed by the director.

38933. The application shall be accompanied by a fee of one hundred dollars ($100).

38934. The director shall issue to each applicant that satisfies the requirements of this chapter a license which entitles the applicant to manufacture, sell, or distribute products resembling milk products for the then current calendar year for which the license is issued, unless the license is sooner revoked or suspended.

38935. The license shall expire at the end of each calendar year, but shall remain in force during the month of January of the next succeeding year or such part of the month as may be necessary for the renewal of the license by the director.

38936. It is unlawful for any person to sell, give away, deliver, or to knowingly purchase or receive any product resembling milk products which has been produced in a plant that is in an insanitary condition, or that is handled by any carrier or any store or depot that is in an insanitary condition.

38937. Grounds for revocation or suspension of such license shall be the manufacture of products resembling milk products under unhealthful or insanitary conditions or which violate the provisions of Section 38924 or 38925.

Article 5. Product Registration

38941. Any person engaged in the manufacture of products resembling milk products, shall register the products with the department as provided by this article.

38942. Application for a registered product shall be in the form which shall be prescribed by the department and shall include the ingredients of the product, and the proposed label or labels for the product. The director shall grant such application if he determines that the product will comply or has complied with the provisions of this chapter.

38943. The application shall be accompanied by a fee of five dollars ($5). The information required by Section 38942 shall be kept current and amended whenever any change is made.

38944. No product resembling milk products shall be sold unless it has an active registration on file with the department.

38945. In addition to any other penalty, the department may revoke or suspend the registration of any product resembling milk products for violation of the provisions of Sections 38921, 38922, and 38923, or Article 6 (commencing with Section 38951) or Article 7 (commencing with Section 38971) of this chapter or for nonpayment of the registration fee.

38946. All product registration made pursuant to this article shall be confidential. No information contained in the application for any such registration, or in the registration, shall be divulged by the director except if necessary for the proper determination of any court proceedings or hearing before the director.

Article 6. Labels

38951. Any person or association or corporation engaged in the manufacture, sale, or distribution of products resembling milk products shall label such products in accordance with the provisions of this article and with regulations which shall be adopted by the director. The labels may be submitted to the director for approval.

38952. Each container which contains a product resembling a milk product, other than an imitation milk product, shall be labeled with the name and address of the manufacturer or distributor, and the names of the ingredients contained in such product. Such product shall be labeled with a fanciful or brand

name only, but the list of ingredients of a filled product shall contain the statement that the product is a "filled product," and the list of ingredients of a nondairy product shall contain the statement that the product is a nondairy product. Such information shall appear conspicuously upon the label of the container, in a manner established by the director through regulation. In addition, the director may, by regulation, require any other information to be included on the label which the director determines to be in the public interest.

38953. An imitation milk product shall be labeled "imitation" followed by the name of the milk product imitated. For example, an imitation milk product having the appearance and semblance of milk shall be labeled "imitation milk." No ingredient listing, other than the source of the oil or fat other than milk fat, is required on the container of an imitation milk product. There shall be included on the label of an imitation milk product the name and address of the manufacturer or distributor, and any other information which the director, by regulation, determines to be in the public interest.

38954. Labels of products resembling milk products may contain references and comparisons of the products with milk products as long as such statements are reasonable, relevant, truthful, complete, and not deceptive or misleading. The director may require satisfactory proof of the compliance of any statement with the provisions of this section.

38955. On the labels of imitation milk products the use of pictures and symbols depicting dairy or agricultural activities, or associating the product with such activities, and use of dairy or agricultural terms or words, or derivations or cognates thereof, shall be subject to restriction or prohibition by the director by regulation. The basis for such regulations shall be the degree to which such symbols or words make or fail to make a significant contribution to a truthful and complete representation of the product, or appear to be likely to be deceptive and misleading to the purchaser.

38956. Trade products containers and labels shall not contain any combination of words, symbols, marks, designs, or representations commonly used or associated with the sale, advertising, or distribution of milk products. The labels shall not contain statements regarding milk products except those permitted by Section 38954 and any necessary factual statement regarding any ingredient milk products.

38958. The provisions of this article shall not affect the manufacture, sale or distribution of products resembling milk products which have been sold or distributed in this state prior to the effective date of this chapter, if a schedule of compliance with the provisions is filed with the director within 30 days of the effective date.

The director shall determine whether the schedule reflects a reasonable time in which the labels of the products are to be changed to comply with the provisions of this article. The di-

rector shall, in making the determination, consider the manufacturer's, seller's, or distributor's desire to retain product identity and the consumer's desire to purchase familiar products as well as his actual inventory of such labels. If the director determines that the schedule does not reflect a reasonable time for compliance, he shall reject the schedule stating his reasons in writing. Within 30 days of the rejection, the petitioner may file an amended schedule of compliance with the director. If the director rejects the amended schedule, the provisions of this article shall become applicable within 30 days of notice of the final rejection.

Article 7. Advertising and Display

38971. No product resembling a milk product shall be advertised, displayed for sale, or sold in any manner or under any circumstances or conditions that is likely to mislead, deceive, or confuse consumers into believing such products are milk products.

38972. The director may adopt regulations to enforce the provisions of this article. In adopting such regulations, the director shall consider and follow, insofar as practical, the provisions of Sections 38954, 38955, and 38956, as well as any other relevant considerations. In addition the director may distinguish between different products or types of products on the basis of the nature of the product, its labeling, the manner in which it is customarily presented or is likely to be presented to the consumer, and any other relevant factors, if he determines such differentiation is warranted and in the public interest.

Article 8. Administration

38981. The director shall enforce the provisions of this chapter.

38982. The director may adopt any regulations necessary for the implementation and adequate enforcement and administration of the provisions of this chapter and that he determines are necessary to protect the public health and to prevent deception and confusion among consumers.

38983. The regulations shall be adopted after a public hearing in accordance with Article 4 (commencing with Section 11420) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.

38984. Notwithstanding any other provisions of this chapter to the contrary, the director shall by regulation make provisions for the transportation into the state and subsequent sale of nondairy products produced outside the state and labeled, in accordance with federal law.

38985. Notwithstanding any other provisions of this chapter to the contrary, the director shall by regulation waive any of the provisions of this chapter as they apply to products resembling milk products manufactured for sale and distribu-

tion exclusively outside of this state, provided that the regulations contain provisions ensuring that the products will not be made available or sold to consumers in this state.

38986. If the director determines that fees established to enforce and administer the provisions of this chapter exceed the cost of enforcing and administering the provisions, he may by regulation reduce the fees accordingly. If he determines that the fees are insufficient to defray the costs, he may by regulation establish and collect from processing milk distributors and producers, assessments based upon the fluid milk, fluid skim milk, fluid cream, milk fat, or milk solids not fat, utilized in products resembling milk products.

38987. Any moneys which are received by the director or the department pursuant to this chapter shall be paid into the State Treasury to the credit of the Department of Agriculture Fund to be expended as provided by the provisions of this chapter.

SEC. 22. Section 61305 of the Agricultural Code is amended to read:

61305. "Dairy product" means buttermilk; flavored milk drinks; bottled milk drinks which are sold under a trade name; modified milk; acidophilus milk; skim milk for human consumption; milk and cream in combination which does not come within the statutory definitions of milk or cream; ice cream, ice milk, and sherbet, separately, or in combination; ice cream mix; ice milk mix; cottage cheese; butter; American or cheddar cheese; Monterey jack cheese; pasteurized process cheese; eggnog; sour cream dressing; yogurts; and any filled product, or any imitation milk product in which the use of market milk or any component of market milk is required by Section 38925.

SEC. 23. Section 61390 of the Agricultural Code is amended and renumbered to read:

61391. Solicitation by, or collusion or joint participation between or among, any manufacturer, distributor, producer, wholesale customer, retail store, consumer, or any representative of any of them, to commit any of the unfair practices which are prescribed in this article, or the use of any misrepresentation, threat, intimidation, or boycott to effectuate the commission of such unfair practices, makes any person that participates in such unfair practices subject to the penalties of this chapter.

SEC. 24. Section 61390 is added to the Agricultural Code, to read:

61390. The requirement by any distributor or manufacturer of the acceptance by a purchaser, handler, or retailer of any product resembling milk products as a condition of receiving any milk product, any other product resembling milk products or any other product handled by such distributor or manufacturer is an unfair trade practice and unlawful.

SEC. 24.1. Section 61411 of the Agricultural Code is amended to read:

61411. Every distributor in any marketing area shall file with the director schedules and any amendments to the schedules which set forth the prices at which each such distributor is selling, offering, or agreeing to sell in such marketing area any of the following: market milk; market cream; buttermilk; flavored milk drinks; bottled milk drinks which are sold under a trade name; modified milk; acidophilus milk; skim milk for human consumption; milk and cream in combination which does not come within the statutory definitions of milk or cream; cottage cheese; eggnog; sour cream dressing, yogurts; and any filled milk product or any imitation milk product in which the use of market milk or any component of market milk is required by Section 38925.

Price filing is not required for any other dairy product.

SEC. 25. Section 61842 of the Agricultural Code is amended to read:

61842. Class 1 comprises:

(a) Any fluid milk, fluid skim milk, or fluid cream that is supplied to consumers as market milk, market skim milk, or market cream or concentrated milk.

(b) Any combination of market milk, market skim milk, and market cream, or any market milk which is not sterilized and packaged in hermetically sealed containers.

(c) Any other dairy product or products resembling milk products in which the use of market milk or any components or derivatives of market milk is required by, or pursuant to, the provisions of this code.

(d) Any fluid milk, fluid skim milk, fluid cream, milk fat, or milk solids not fat which is used in the standardizing or fortifying of market milk or any dairy product which is defined in this section as class 1.

(e) Any product which is required by any regulations adopted by the director pursuant to Article 2 (commencing with Section 36631), Chapter 1, Part 3, Division 15 of this code to be made from market milk or any components or derivative of market milk.

(f) Any fluid milk, fluid skim milk, fluid cream, milk fat or milk solids not fat used in any filled product or imitation milk product, when the product imitated or resembled, is defined in this section as class 1.

CHAPTER 1251

An act to add Section 13468.2 to the Education Code, relating to leaves of absence for certificated employees.

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

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

SECTION 1. Section 13468.2 is added to the Education Code, to read:

13468.2. Any certificated employee of any school district who accepts a position requiring certification qualifications in the office of any county superintendent of schools, or, any certificated employee of any county superintendent of schools who accepts a position requiring certification qualifications in a school district or office of another county superintendent of schools, or, any person employed by the State Department of Education in a position requiring certification qualifications who accepts a position requiring certification qualifications in any school district or office of any county superintendent of schools, shall have transferred with him to the second position his accumulated leave of absence for illness or injury. The amount of such leave to be transferred shall be determined in the same manner as provided in Section 13468.1. All other provisions of Section 13468.1 shall also apply to the employees and employers described in this section.

CHAPTER 1252

An act to add Section 18709 to the Welfare and Institutions Code, relating to blind persons and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 18709 is added to the Welfare and Institutions Code, to read:

18709. The California Industries for the Blind may contribute six dollars ($6) per month for each non-civil-service production worker for health insurance carried by such workers. The contributions shall be made only for health insurance plans approved by the Board of Control and shall be made from the California Industries for the Blind Manufacturing 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:

This act is needed to authorize the health insurance contribution agreed to in good faith by the Department of Rehabilitation, and thus to relieve the hardship imposed on numerous blind and handicapped workers who enrolled in health insurance plans relying on such contributions to cover a considerable portion of the premiums incurred.

CHAPTER 1253

An act to amend Section 4754.5 of the Labor Code, relating to workmen's compensation.

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

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

SECTION 1. Section 4754.5 of the Labor Code is amended to read:

4754.5. Nothing in this article shall impair the right of the Attorney General to release by compromise any claims brought under the provisions of this article. No such compromise and release agreement is valid unless it is approved by the appeals board; however, the provisions of Sections 5000 to 5004, inclusive, of this code, shall not apply to such compromise and release agreements.

CHAPTER 1254

An act to add Section 6560.1 to the Business and Professions Code, relating to the practice of barbering.

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

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

SECTION 1. Section 6560.1 is added to the Business and Professions Code, to read:

6560.1. Any person, upon payment of the required fee, shall be granted permission to take an examination to determine his fitness to receive a certificate of registration to practice barbering if he complies with each of the following:

(a) He is at least 19 years of age.

(b) He is of good moral character and temperate habits.

(c) He provides proof satisfactory to the board that he has completed the ninth grade in school or has an equivalent education.

(d) He possesses a valid cosmetology certificate issued by the State Board of Cosmetology.

(e) He presents affidavits from at least two persons stating that they have personal knowledge that he has practiced haircutting as a cosmetologist in a licensed cosmetological establishment in this state which is primarily engaged in performing haircuts on men and boys for a period of at least two years within the last three years immediately prior to filing of his application.

(f) He provides any other information the board may require to establish his experience and training in haircutting.

(g) The application shall be filed on a form prescribed by the board.

If the applicant fails to pass the first examination, he may within 60 days from the date he failed, file a new application for examination, accompanied by the required fee, and take another examination. If he fails the second examination, he shall complete a further course of study of not less than 250 hours to be completed within three months, with not more than eight hours in any one working day, in a college of barbering approved by the board before he is eligible to file another application for an examination to determine his fitness to receive a barber certificate.

No application for a certificate of registration under this section shall be received after the expiration of 90 days from the effective date of this section.

The provisions of 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.

CHAPTER 1255

An act to amend Section 13190 of the Education Code, relating to teaching credentials.

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

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

SECTION 1. Section 13190 of the Education Code is amended to read:

13190. The standard teaching credential with a specialization in elementary teaching shall authorize the holder to:

(a) Teach, in kindergarten or grades 1 to 9, inclusive, except courses in special education, as follows:

(1) A person with an academic major and any minor may teach any subject in kindergarten and in grades 1 to 9, inclusive.

(2) A person with an academic major other than a diversified major, but without a minor, may teach any subject in

kindergarten and in grades 1 to 9, inclusive, in a self-contained class. He may teach in a departmentalized class in grades 7, 8, and 9, the subject in which he has a major. He may teach in a departmentalized class in grades 7, 8, and 9 any subject in which he has nine semester hours of upper division or graduate coursework when the governing board of the district maintaining such grades by resolution specifically authorizes him to teach the subject. The authorization of the governing board shall remain valid for one year and may be renewed annually.

For the purposes of this section: A "self-contained class" is a class in which most of the subjects in one grade are taught by one teacher; and a "departmentalized class" is a class in which one subject or one group of closely related subjects, is taught by one teacher.

(3) Upon completion of the requirements of subdivisions (b), (d), and (e) of Section 13189, a person with a diversified major, but without a minor, may teach any subject in kindergarten and in grades 1 to 6, inclusive. He may teach in a self-contained class any subject in grades 7, 8 and 9.

(4) A person with other than an academic major may teach in kindergarten or in grades 1 to 9, inclusive, only in subject matter areas in which he has a major or a minor.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in kindergarten or in grades 1 to 14, inclusive, any courses in an area in which the holder has completed specialized preparation.

(d) Serve as a librarian in an elementary school, junior high school, high school, or junior college, if the holder has completed the specialized preparation area of librarianship.

(e) Teach, in continuation education classes, in continuation high schools, or in high schools, elementary-level reading.

SEC. 2. Section 13190 of the Education Code is amended to read:

13190. The standard teaching credential with a specialization in elementary teaching shall authorize the holder to.

(a) Teach, in kindergarten or grades 1 to 9, inclusive, except courses in special education, as follows:

(1) A person with an academic major may teach any subject in kindergarten and in grades 1 to 9, inclusive, in a self-contained class. He may teach in a departmentalized class in grades 7, 8, and 9 any subject in which he has 18 semester hours of course work when the governing board of the district maintaining such grades by resolution specifically authorizes him to teach the subject. The authorization of the governing board shall remain valid for one year and may be renewed annually.

For the purposes of this section: a "self-contained class" is a class in which most of the subjects in one grade are taught by one teacher; and a "departmentalized class" is a class in which one subject or one group of closely related subjects, is taught by one teacher.

(2) A person with other than an academic major may teach in kindergarten or in grades 1 to 9, inclusive, only in subject matter areas in which he has a major or a minor.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in kindergarten or in grades 1 to 14, inclusive, any courses in an area in which the holder has completed specialized preparation.

(d) Serve as a librarian in an elementary school, junior high school, high school, or junior college, if the holder has completed the specialized preparation area of librarianship.

(e) Teach, in continuation education classes, in continuation high schools, or in high schools, elementary-level reading.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 198 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Senate Bill No. 198 takes effect; in which event Section 1 of this act shall not become operative.

CHAPTER 1256

An act to amend Section 8101 of the Revenue and Taxation Code, relating to the motor vehicle fuel license tax.

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

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

SECTION 1. Section 8101 of the Revenue and Taxation Code is amended to read:

8101. The following persons who have paid a license tax for motor vehicle fuel, either directly or to the vendor from whom it was purchased, or indirectly by the adding of the amount of the tax to the price of the fuel, shall, except as otherwise provided in this part, be reimbursed and repaid the amount of the tax:

(a) Any person who buys and uses the motor vehicle fuel for purposes other than in motor vehicles operated upon the public highways of the state.

(b) Any person who exports the motor vehicle fuel for use outside of this state. Motor vehicle fuel carried from this state in the fuel tank of a motor vehicle is not deemed to be exported from this state unless the motor vehicle fuel becomes subject to tax as an "import" under the laws of the destination state.

(c) Any person who sells the motor vehicle fuel to the armed forces of the United States for use in ships or aircraft or for use outside this state, under circumstances that would have entitled him to an exemption from the payment of the license tax under Section 7401 had he been the distributor of this fuel.

(d) Any person who buys and uses the motor vehicle fuel

in any construction equipment which is exempt from vehicle registration pursuant to the Vehicle Code, while operated within the confines and limits of a construction project.

(e) Any consulate officer or consulate employee of a foreign government who is not engaged in any private occupation for gain within the State of California, whose government has entered into a treaty with the United States providing for the exemption of such representative from national, state, and municipal taxes, who uses the motor vehicle fuel in a vehicle registered exempt from fees pursuant to Section 9100 of the Vehicle Code.

SEC. 2. This act shall not become operative if Senate Bill No. 478 is enacted by the Legislature at its 1968 Regular Session.

CHAPTER 1257

An act to add Article 4 (commencing with Section 1580) to Chapter 5 of Division 2 of the Fish and Game Code, relating to ecological reserves.

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

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

SECTION 1. Article 4 (commencing with Section 1580) is added to Chapter 5 of Division 2 of the Fish and Game Code, to read:

Article 4. Ecological Reserves

1580. For the purpose of protecting rare or endangered wildlife or aquatic organisms or specialized habitat types both terrestrial and aquatic, the department, with the approval of the commission, may obtain by purchase, lease, gift or otherwise, land and water for the purpose of establishing ecological reserves. Such ecological reserves shall not be classed as wildlife management areas pursuant to Section 1504 and shall be exempt from the provisions of Section 1504.

1581. Any property acquired in fee for ecological reserves shall be acquired in the name of the state, and shall, at all times, be subject to such rules and regulations as may be prescribed from time to time by the commission for the occupation, use, operation, protection, and administration of such property as ecological reserves.

1582. The department shall do all things necessary to secure a valid title in the state to the property acquired in fee for ecological reserves but no payment shall be made therefor until the title is vested in and satisfactory to the state. No such land will be acquired by eminent domain.

1583. Except in accordance with the regulations of the commission it is unlawful to enter upon any ecological reserves

established under the provisions of this article, or to take therein any bird or the nest or eggs thereof, or any mammal, fish, mollusks, crustaceans, amphibia, reptiles or any other form of plant or animal life.

1584. As used in this article, "ecological reserve" refers to land or land and water areas preserved in a natural condition for the benefit of the general public to observe native flora and fauna and for scientific study.

CHAPTER 1258

An act to amend Sections 8162, 8164, and 8166 of, to add Sections 8172, 8172.1, 8172.15, 8172.2, and 8172.3 to, and to repeal Section 8169 of, the Government Code, relating to Capitol Building and Planning Commission.

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

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

SECTION 1. Section 8162 of the Government Code is amended to read:

8162. The commission shall consist of 13 members appointed by the Governor. He shall appoint three of the members from a list of persons nominated by the Mayor of the City of Sacramento, and three from a list nominated by the Chairman of the Sacramento County Board of Supervisors. Each member shall serve without compensation, but shall receive their actual and necessary expenses.

While each member shall serve at the pleasure of the Governor, the Governor shall, upon request of the mayor or chairman of the board of supervisors, immediately investigate the qualifications and performance of any member who was appointed upon nomination by the official making the request, and may thereafter remove the member from the commission. In the event a member is removed pursuant to this paragraph, his replacement shall be appointed from a list of persons nominated by the official making the request which led to his removal.

SEC. 2. Section 8164 of the Government Code is amended to read:

8164. The commission shall appoint a secretary who may be one of its members and may employ such experts and other personnel as it deems necessary to carry out its functions under this chapter. It may also incur expenses necessary to effectuate its purposes. The State Office of Planning and the Department of General Services shall provide administrative aid to the commission.

SEC. 3. Section 8166 of the Government Code is amended to read:

8166. The functions of the commission are to establish a master plan for the orderly development of future state buildings in the Capitol area of the City of Sacramento and the County of Sacramento and to formulate and carry out a long-range master plan for improvement of the Capitol Mall. In evolving the master plan the commission shall take into consideration the following factors:

(a) The needs of the state relative to the location and design of buildings to be constructed, parking facilities, traffic management and landscaping, including the placement of statues, monuments or fountains as may be deemed desirable for the beautification of the area.

(b) The ordinances, plans, requirements and proposed improvements of the City of Sacramento and the County of Sacramento, including, but not limited to, zoning regulations, population trends, plans for rapid transit development and the Capitol Mall Development Project.

(c) Any other factors which bear upon the orderly, integrated and cooperative development by the state, the City of Sacramento and the County of Sacramento of property in the area of the State Capitol.

SEC. 4. Section 8169 of the Government Code is repealed.

SEC. 5. Section 8172 is added to the Government Code, to read:

8172. The Legislature finds and declares:

(a) There is clear justification and need for the creation of a beautiful and impressive western approach to the Capital City of California, which coordinates and integrates the planning and development of all major elements in the immediate environment, and emphasizes the most important single structure in the complex, the State Capitol Building.

(b) In order to provide for the formulation and implementation of a long-range, funded program for beautification of the mall, which is coordinated with the plans of the multiplicity of interests involved, it is necessary to assign responsibility and authority sufficient to achieve these objectives to a single agency. The agency most able to effectively carry out this assignment is the Capitol Building and Planning Commission.

SEC. 6. Section 8172.1 is added to the Government Code, to read:

8172.1. The Capitol Building and Planning Commission shall have the overall responsibility and authority for the formulation and implementation of a long-range master plan for the improvement of the Capitol Mall. Such plan shall be integrated and compatible with the development plans of all appropriate public and private interests, including the Sacramento Central City Development Projects. The principal objective of this master plan shall be to provide a physical and

aesthetic expression in the approaches to the State Capitol Complex and to embody the best the state can produce in coordinated environmental planning and architectural integrity.

SEC. 7. Section 8172.15 is added to the Government Code, to read:

8172.15. That portion of Route 275 that extends from the end of the Sacramento River Bridge in the City of Sacramento to the junction of Capitol Avenue and Ninth Street in Sacramento is hereby designated as the "Capitol Mall" and shall be an integral part of the Capitol Area Plan.

SEC. 8. Section 8172.2 is added to the Government Code, to read:

8172.2. There is hereby established the California State Capitol Mall Advisory Committee to assist the commission in planning and developing the Capitol Mall. The committee shall consist of a representative of the Department of General Services, Department of Public Works, Department of Finance, the State Office of Planning, and such private citizens as shall represent the interests of the major private developers of the Capitol area and the views of local chambers of commerce, planning, and architectural groups, and interested members of the public. The representatives of state departments shall be appointed by the head of the department represented. The remaining members shall be appointed by the commission in such manner and number as the commission shall deem appropriate to accomplish the purposes of this section.

SEC. 9. Section 8172.3 is added to the Government Code, to read:

8172.3. The commission, aside from the other powers granted by this article, shall have the express power to do all acts necessary to accomplish the overall planning and beautification of the Capitol Mall contemplated by the 1968 amendments. Such powers shall include, but not be limited to, the active solicitation for and acceptance of any gifts or grants from whatever source available.

CHAPTER 1259

An act to add Chapter 4 (commencing with Section 151) to Division 1.5 of the Harbors and Navigation Code, relating to water pollution.

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

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

SECTION 1. Chapter 4 (commencing with Section 151) is added to Division 1.5 of the Harbors and Navigation Code, to read:

CHAPTER 4. CIVIL OFFENSES

151. Except where permitted pursuant to the provisions of Chapter 4 (commencing with Section 13040) of Division 7 of the Water Code, any person that intentionally or negligently causes or permits any oil to be deposited in the water of this state, including but not limited to navigable waters, shall be liable civilly in an amount not exceeding six thousand dollars ($6,000) and, in addition, shall be liable to any governmental agency charged with the responsibility for cleaning up or abating any such oil for all actual damages, in addition to the reasonable costs actually incurred in abating or cleaning up the oil deposit in such waters. The amount of the civil penalty which is assessed pursuant to this section shall be based upon the amount of discharge and the likelihood of permanent injury and shall be recoverable in a civil action by, and paid to, such governmental agency. If more than one such agency has responsibility for the waters in question, the agency which conducts the cleaning or abating activities shall be the agency authorized to proceed under this section.

152. The agency cleaning up the oil deposit shall notify, in writing, the appropriate regional water quality control board of the nature of the deposit and of the corrective action taken or contemplated.

SEC. 2. This act shall not be construed to limit or prevent any other agency or governmental authority from enforcing this act or any other provision of law.

SEC. 3. It is the intention of the Legislature hereby to correct and to eliminate the major pollution threat to the state's harbors and waterways by deposits and spillages of oil by those persons who are either manufacturing, drilling, transporting, shipping, discharging, or using oil in greater than minimal quantities.

CHAPTER 1260

An act to amend Section 112 of the Code of Civil Procedure, relating to jurisdiction of justice courts.

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

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

SECTION 1. 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 one thousand dollars ($1,000) 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 one thousand dollars ($1,000) 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 one thousand dollars ($1,000) 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 one thousand dollars ($1,000) or the debt denied does not exceed one thousand dollars ($1,000).

CHAPTER 1261

An act to amend Sections 31469, 31478 and 54775 of, and add Sections 20009.5 and 54777.5 to, the Government Code, relating to local agency formation commissions.

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

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

SECTION 1. Section 20009.5 is added to the Government Code, to read:

20009.5. "Public agency" also includes any local agency formation commission.

SEC. 2. Section 31469 of the Government Code is amended to read:

31469. (a) "Employee" means any officer or other person employed by a county whose compensation is fixed by the board of supervisors or by statute and whose compensation is paid by the county, and any officer or other person employed by any district within the county.

(b) "Employee" includes any judge of a justice court.

(c) "Employee" includes any officer or attaché of any superior court or municipal court which has been brought within the operation of this chapter.

(d) "Employee" includes any officer or other person employed by a district as defined in subdivision (c) of Section 31468 and whose compensation is paid from funds of the district.

(e) "Employee" includes any member paid from the county school service fund who elected pursuant to Education Code Section 873.1 to remain a member of this system.

(f) "Employee" includes any person permanently employed by a local agency formation commission including the executive officer thereof.

SEC. 3. Section 31478 of the Government Code is amended to read:

31478. "Public agency" means the United States of America, this state, or any department or agency of either, or any county, or any city, which city or county is within this state, or any public corporation, municipal corporation, or public district, which public corporation, municipal corporation, or public district is situated in whole or in part within the county, and any local agency formation commission.

Section 31468 does not apply to this section.

SEC. 4. Section 54775 of the Government Code is amended to read:

54775. Unless the provisions or context otherwise require, the following definitions shall govern the construction of this chapter:

(a) "City officer" means the mayor or a member of the legislative body of the city.

(b) "Commission" means a local agency formation commission created pursuant to this chapter.

(c) "County officer" means a member of the board of supervisors.

(d) "Initiate" or "initiation" means, in the case of proceedings, the first procedural step authorized or required by any law for the commencement of such proceedings, such step being one of the following:

(1) The circulation of a petition requesting any proceedings;

(2) The filing with any officer of a county or a local agency of a notice of intention to circulate such a petition; or

(3) The adoption by a legislative body of a county or a local agency of any resolution, order, or ordinance initiating proceedings on its own motion.

(e) "Local agency" means a city or a special district.

(f) "Principal county," in the case of a special district whose territory is or will be located in two or more counties, shall have the meaning contained in any definition of "principal county," as set forth in the law pursuant to which said special district was or is proposed to be formed. If the law pursuant to which the special district was, or is proposed to be, formed contains no such definition, for purposes of this chapter "principal county" means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the counties, of the taxable property in, or proposed to be included in, the special district.

(g) "Proceedings" means the procedure authorized and required by any law for the incorporation of a new city, the formation of a special district, the annexation of territory to a local agency or the exclusion of territory from a city, or the disincorporation of a city.

(h) "Proponent" means any person intending to circulate or cause the circulation of any petition.

(i) "Special district" means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. "Special district" does not include the state, a city, a county, or a school district. "Special district" does include a county service area but does not include a special assessment district formed under the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Street Opening Act of 1903, the Vehicle Parking District Law of 1943, the Parking District Law of 1951, the Pedestrian Mall Law of 1960, or any similar assessment law, or any similar procedural ordinance adopted by a chartered city. "Special district" does not include an improvement district or zone formed for the sole purpose of designating an area which is to bear a special tax or assessment for an improvement benefiting that area.

SEC. 5. Section 54777 5 is added to the Government Code, to read:

54777.5. The commission may contract for retirement benefits for the executive officer or staff personnel pursuant to the County Employees Retirement Law of 1937 or the Public Employees' Retirement Law. It may also provide for health and medical benefits.

The commission shall preserve accrued vacation, sick leave and retirement benefits of persons hired from counties.

CHAPTER 1262

An act to amend Section 13085.1 of the Education Code, relating to public school employees.

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

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

SECTION 1. Section 13085.1 of the Education Code is amended to read:

13085.1. It shall be unlawful for any public school employer, as defined by Section 13081, to appoint or designate, or cause or permit the appointment or designation of, any classified employee or classified employees for the purpose of representing any class or group of classified employees, directly or indirectly, with respect to any matter included within Section 13084; provided, that if no classified employee organization or organizations, as defined by Section 13081, represent any of the employees of the district pursuant to this article, the public school employer may appoint or designate, or cause or permit the appointment of, a classified employee committee to advise the public school employer on matters included within Section 13084.

Nothing in this section shall be interpreted to abrogate, in any manner, the rights of the individual to represent himself in employer-employee relations, nor the rights accorded employee organizations by this article, nor shall it be construed to limit, in any manner, the right of an employee organization to designate the person or persons, whether employees of the district or not, to represent it, its members, or a member, in employer-employee relationships.

SEC. 2. Section 13085.1 of the Education Code is amended and renumbered to read:

13085.2. It shall be unlawful for any public school employer, as defined by Section 13081, to appoint or designate, or cause or permit the appointment or designation of, any classified employee or classified employees for the purpose of representing any class or group of classified employees, directly or indirectly, with respect to any matter included within Section 13084; provided, that if no classified employee organization or organizations, as defined by Section 13081, represent any of the employees of the district pursuant to this article, the public school employer may appoint or designate, or cause or permit the appointment of, a classified employee committee to advise the public school employer on matters included within Section 13084.

Nothing in this section shall be interpreted to abrogate, in any manner, the rights of the individual to represent himself in employer-employee relations, nor the rights accorded employee organizations by this article, nor shall it be construed

to limit, in any manner, the right of an employee organization to designate the person or persons, whether employees of the district or not, to represent it, its members, or a member, in employer-employee relationships.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 458 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Senate Bill No. 458 takes effect; in which event Section 1 of this act shall not become operative.

CHAPTER 1263

An act to amend Section 69594 of the Government Code, relating to judges.

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

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

SECTION 1. Section 69594 of the Government Code is amended to read:

69594. In the County of San Bernardino there shall be 10 judges. On and after January 1, 1969, there shall be 11 judges.

CHAPTER 1264

An act to amend Sections 14150, 14150.1 and 14155 of the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 14150 of the Welfare and Institutions Code is amended to read:

14150. The total expenditures authorized for cost of care and county administration in any fiscal year by this chapter and Chapter 8 of this part shall not exceed the sum, added to the maximum available federal funds, of eighteen dollars and twenty-five cents ($18.25) multiplied by the sum of the 12 monthly numbers of (1) recipients under Chapter 2 (commencing with Section 11200) of this part, (2) certified medically indigent persons, and (3) recipients under Chapters 3 (commencing with Section 12000), 4 (commencing with Section 12500), 5 (commencing with Section 13000), and 6 (commencing with Section 13500) of this part, as evidenced by billings received for services and state and county administra-

tion by the close of the fiscal year, unless the Legislature, in the Budget Act, appropriates additional funds to be expended under this chapter and Chapter 8 of this part, and authorizes the expenditure of such funds notwithstanding the limitation fixed by this section. As used in this paragraph "total expenditures authorized for cost of care and county administration" includes the cost for health care for categorical aid recipients and certified medically indigent persons as enumerated in this paragraph, but does not include costs of care for other persons in a county hospital or a contract hospital nor that portion of the county cost of administration which is attributable to the health care provided to other persons, in a county hospital or contract hospital.

The sums authorized for expenditure pursuant to this section shall not be construed as limiting the amount of service or the period over which such service may be granted with respect to any person found to be eligible for care under this chapter or Chapter 8 of this part.

In addition to the sums specified in Section 14151, the county share towards the cost of care and county administration provided under this chapter and Chapter 8 (commencing with Section 14500) shall include:

1. (a) An amount equal to ninety percent (90%) of the county cost of health care, excluding the amounts specified in the following table, uncompensated from any source in 1964–65 for all categorical aid recipients and other persons age 65 or over in the county medical institutions; plus

(b) The amount specified in the following table for the particular county, increased for such county for each fiscal year subsequent to 1964–65 by an amount proportionate to the increase in population, except that the military population may only be decreased, for such county, as determined by the Department of Finance in its official revised estimate, measured from July 1, 1965:

Alameda	$1,790,210
Alpine	122
Amador	58,548
Butte	311,879
Calaveras	75,653
Colusa	52,243
Contra Costa	726,048
Del Norte	31,430
El Dorado	92,711
Fresno	764,251
Glenn	78,760
Humboldt	359,778
Imperial	77,556
Inyo	66,849
Kern	529,494
Kings	107,737

Lake	52,137
Lassen	52,129
Los Angeles	11,616,507
Madera	83,556
Marin	310,065
Mariposa	20,955
Mendocino	115,323
Merced	241,620
Modoc	29,738
Mono	4,221
Monterey	295,201
Napa	162,206
Nevada	98,785
Orange	1,039,390
Placer	123,966
Plumas	69,136
Riverside	586,992
Sacramento	1,226,822
San Benito	37,467
San Bernardino	806,036
San Diego	1,676,000
San Francisco	2,720,781
San Joaquin	686,553
San Luis Obispo	210,049
San Mateo	1,167,456
Santa Barbara	388,579
Santa Clara	1,272,536
Santa Cruz	303,203
Shasta	146,935
Sierra	5,550
Siskiyou	136,112
Solano	143,861
Sonoma	418,556
Stanislaus	513,800
Sutter	102,236
Tehama	72,930
Trinity	21,641
Tulare	540,117
Tuolumne	32,331
Ventura	358,860
Yolo	215,650
Yuba	78,392

(c) An amount equal to 90 percent of any part of the cost of care paid as the result of Title XVIII of the Federal Social Security Act for each person eligible under a state plan approved under Title XIX of the Federal Social Security Act which results in an excess of receipts over the amounts of uncompensated costs of health care which would otherwise have been incurred by the county.

The percentage specified in subdivision (c) hereof shall be reduced, for each county, to be from July 1, 1967 to June 30,

1968 eighty-five percent (85%) of said amount; from July 1, 1968 to June 30, 1969 eighty percent (80%) of said amount; and after July 1, 1969 seventy-five percent (75%) of said amount.

The remaining percentage of the base sums specified shall be used by the county for medical and health services.

SEC. 2. Section 14150.1 of the Welfare and Institutions Code is amended to read:

14150.1. In lieu of the amounts specified in Section 14150, a county may elect to pay as its share one hundred percent (100%) of the county cost of health care uncompensated from any source in 1964–65 for all categorical aid recipients, and all other persons in the county hospital or in a contract hospital, increased for such county for each fiscal year subsequent to 1964–65 by an amount proportionate to the increase in population, except that the military population may only be decreased, for such county, as determined by the Department of Finance in its official revised estimate, measured from July 1, 1965, and, in addition, any part of the cost of care paid as the result of Title XVIII of the Federal Social Security Act for each person eligible under a state plan approved under Title XIX of the Federal Social Security Act which results in an excess of receipts over the amounts of uncompensated costs of health care which would otherwise have been incurred by the county. If the county so elects, the county costs of health care in any fiscal year shall not exceed the total county costs of health care uncompensated from any source in 1964–65 for all categorical aid recipients, and all other persons in the county hospital or in a contract hospital, increased for such county for each fiscal year subsequent to 1964–65 by an amount proportionate to the increase in population, except that the military population may only be decreased, for such county, as determined by the Department of Finance, measured from July 1, 1965.

If a county elects to have its share computed under this section, such election shall be irrevocable until June 30, 1970.

SEC. 3. Section 14155 of the Welfare and Institutions Code is amended to read:

14155. Notwithstanding any other provisions of this code, net cost to a county for health care and county administration for recipients under this chapter and Chapter 8 (commencing with Section 14500), shall not exceed actual county costs for the fiscal year 1964–65 for the county share of costs of the following, increased for each county on July 1 of each year by an amount proportionate to the increase in population, except that the military population may only be decreased, for such county, as determined by the Department of Finance in its official estimate, measured from July 1, 1965:

(a) Medical assistance for the aged under Chapter 8 (commencing with Section 14500) of Part 3 of Division 9 of this code.

(b) Administrative costs of medical assistance for the aged under Chapter 8 (commencing with Section 14500) of Part 3 of Division 9 of this code.

(c) Medical services to public assistance recipients under Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of this code.

(d) Administrative cost of medical services to public assistance recipients under Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of this code.

(e) Health care to recipients of public assistance provided by the county under Chapter 2.5 (commencing with Section 1440) of Division 2 of the Health and Safety Code, or if a county elects to have its share computed under the provisions of Section 14150.1, health care to recipients of public assistance and other persons provided by the county under Chapter 2.5 (commencing with Section 1440) of Division 2 of the Health and Safety Code.

SEC. 4 This act shall become operative on July 1, 1969.

CHAPTER 1265

An act to add Section 7203.5 to the Revenue and Taxation Code, relating to sales and use taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1968 Filed with Secretary of State August 13, 1968]

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

SECTION 1. Section 7203.5 is added to the Revenue and Taxation Code, to read:

7203.5. Nothing in this part shall be construed as prohibiting the State Board of Equalization from administering or relieving it of the obligation to administer a taxing ordinance of a city conforming to the requirements of subdivision (h) of Section 7202 on the ground that the city imposes an additional sales and use tax; provided that the additional sales and use tax ordinance is enacted after August 1, 1968, and before September 1, 1968, and becomes operative on October 1, 1968, but such city does not levy such sales and use taxes on or after April 1, 1969, and further provided that the city imposing the additional tax had a population of more than 1,000,000 according to the 1960 federal census. The provisions of this paragraph shall only apply if the city imposes an additional sales and use tax at the rate of 1 percent and has adopted a sales tax reimbursement schedule as a part of the sales and use tax ordinance.

Except as herein provided, the State Board of Equalization shall not administer any sales or use tax ordinance of a city, county or city and county, if such city, county or city and

county imposes a sales or use tax in addition to the sales and use taxes imposed under an ordinance conforming to the provisions of Sections 7202 and 7203.

Nothing in this section shall be construed as prohibiting the levy or collection by a city, county or city and county of any other substantially different tax authorized by the Constitution of California or by statute or by the charter of any charter city.

SEC. 2. The Legislature finds that the overlapping tax structures of the federal, state and local governments are seriously hampering the functioning of the State of California. Due to the high rate of the federal income tax, the state is precluded from making the personal income tax and bank and corporation taxes its chief sources of revenue, as high state taxes, when combined with the high federal tax, would make the income and franchise taxes prohibitive in this state. Moreover, the state in the past has allowed local government to make the property tax its chief source of revenue and for the state again to rely on this source of revenue would cause great consternation among property owners.

Therefore, the state must rely on sales and use taxes as its chief source of revenue.

In addition, the Legislature is well aware that prior to the enactment of the Bradley-Burns Uniform Local Sales and Use Tax Law in 1955 the differences in the amount of sales tax levied among the various communities of the state created a very difficult situation not only for retailers but also created fiscal problems for the cities and counties. The retailer was faced with many situations which complicated tax collection, reporting, auditing and accounting. Because of the differences in taxes between areas, the retailer was affected competitively. Many areas advertised "no city sales tax if you buy in this area." This factor distorted what would otherwise have been logical economic advantages or disadvantages. It is apparent that enactment of the Bradley-Burns Law has brought about reduced costs to the retailer and has corrected illogical competitive situations.

Moreover, the Legislature finds that recent amendments to the state's Sales and Use Tax Law, which are incorporated into the ordinances of local government operating under the Bradley-Burns Law, have complicated the administration of sales and use taxes in such areas as prepayments and the taxing of certain occasional sales and leases. The increasing complexity of these taxes has made it more and more apparent that a return to the conflicting systems in existence prior to the adoption of the Bradley-Burns Law would be disastrous in California today.

In the big metropolitan areas where most taxable sales occur, local officials have shown the most interest in returning to the older system of independent sales and use tax administration. And it is in these areas that most of the poor and the minority groups are concentrated, and it is these persons who

are least able to pay increased consumer taxes. In addition, the recent trend of businesses to locate outside of metropolitan areas can only be accelerated by a system which grants them a competitive advantage by locating in the suburbs. And the fact should not be overlooked that varying and conflicting sales tax rates will have an adverse effect on the general business climate in California.

Therefore, the Legislature declares that the state, by enactment of the Sales and Use Tax Law and the Bradley-Burns Uniform Local Sales and Use Tax Law, has preempted this area of taxation.

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 has come to the attention of the Legislature that one or more cities in the State of California have enacted, or are considering enacting, sales and use tax ordinances which would impose taxes at rates in excess of the 1-percent rate provided by the Bradley-Burns Uniform Local Sales and Use Tax Law. It is essential that statewide uniformity in sales and use taxes imposed by local taxing jurisdictions be preserved.

CHAPTER 1266

An act to add Section 270 to, and to repeal Section 270 of, the Revenue and Taxation Code and to provide for the cancellation and refund of property taxes, relating to property tax exemptions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 270 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 270 is added to the Revenue and Taxation Code, to read:

270. Any tax, or any penalty or interest thereon, for any fiscal year commencing during the calendar year 1968 and any calendar year thereafter, imposed upon property owned by any organization qualified for the college, cemetery, church, orphanage or welfare exemption, which is acquired by such organization during a given calendar year, after the lien date but prior to the first day of the fiscal year commencing within that calendar year, when the property is of a kind which would have been qualified for the college, cemetery, church, orphanage or welfare exemption if it had been owned by such organization

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, if an appropriate application for exemption is made on or before the 15th day of January of the calendar year next succeeding the calendar year in which the property was acquired.

SEC. 3. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1967 on property owned by any nonprofit institution 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 institution 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, if an appropriate application for exemption is filed on or before the 15th day of January of the calendar year 1969.

SEC. 4. With respect to Section 2 of this act the Legislature finds that organizations eligible for the welfare, church, college, orphanage or cemetery exemption often acquire property after the lien date to be put to use immediately for one or more of the purposes which give rise to an exemption from property taxation. If forced to pay the tax on such property, it 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.

SEC. 5. Section 3 of this act is an urgency statute necessary for the immediate preservation of the public peace, 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 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 the Constitution, will be subserved and the state as a whole will benefit.

CHAPTER 1267

An act to add Sections 1327, 1328, 1329 and 1330 to the Education Code, relating to school district elections.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 1327 is added to the Education Code, to read:

1327. If at 12 o'clock noon on the 54th day prior to a school district election only one person has been nominated for the position of governing board member to be filled at that election or no person has been nominated for any such office, and a petition signed by 5 percent of the voters voting at the last school district election in such district requesting that the election be held has not been presented to the county superintendent by the 40th day prior to the election, an election shall not be held.

The provisions of this section shall not be applicable if the election has been consolidated pursuant to Section 1331 with any other school district governing board member election in which more than one candidate has been nominated for the position of governing board member to be filled at such other election

SEC. 2. Section 1328 is added to the Education Code, to read:

1328. The publication provided for in Section 1326 shall, instead of calling an election, state that no election is to be held but that the governing board shall appoint the one nominated for the position of governing board member or shall, if no person has been nominated, appoint any qualified person to the position.

SEC. 3. Section 1329 is added to the Education Code, to read:

1329. If pursuant to Section 1328 a school district election is not held, the governing board shall, at a meeting held prior to the day fixed for the election, appoint to the position of governing board member the person nominated, or shall, if no person has been nominated, appoint any qualified person to such position Any person thus appointed shall qualify, take office and serve as if elected at a school district election.

SEC. 4. Section 1330 is added to the Education Code, to read:

1330. Notice that appointment pursuant to Section 1329 may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than 7 days and not more than 14 days prior to the final day on which nominations may be made.

CHAPTER 1268

An act to amend Section 13189 of the Education Code, relating to teachers' credentials.

[Approved by Governor August 13, 1968 Filed with Secretary of State August 13, 1968]

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

SECTION 1. Section 13189 of the Education Code is amended to read:

13189. The minimum requirements for the standard teaching credential with a specialization in elementary teaching shall be all requirements specified in (a), (b), either (c) or (d), and (e):

(a) Five years (with the fifth year to be completed within seven years of the first employment of the certificated employee in elementary teaching), or its equivalent of university or college education.

(b) A baccalaureate degree or higher degree from an institution approved by the State Board of Education.

(c) One of the following:

(1) A major in an academic subject matter area commonly taught in the public elementary schools. The State Board of Education may define a diversified major in academic subject areas commonly taught in the public elementary schools to fulfill this requirement.

(2) A major and a minor, each of which is in a subject matter area commonly taught in the public elementary schools, and one of which is in an academic subject matter area. Specialized preparation may be substituted for the minor when the major is in an academic subject matter area.

(3) Two minors in subject matter areas commonly taught in the public elementary schools and a major, other than education and educational methodology, not commonly taught therein. If the major is not in an academic subject matter area, each minor shall be in an academic subject matter area. If the major is in an academic subject matter area, one of the minors shall be in an academic subject matter area. Specialized preparation may be substituted for one of the minors.

The State Board of Education shall adopt regulations defining the terms "major" and "minor" for the purposes of this subdivision (c).

(d) A diversified major, hereby declared to be an academic subject matter major, totaling 88 semester hours of coursework in the enumerated subject matter areas, with a minimum of 21 semester hours in each of the first four areas. Four semester hours of coursework meets the health science requirement.

(1) English, including grammar, literature, composition, and speech.

(2) Mathematics and the physical or life sciences.

(3) Social sciences (other than education and education methodology).

(4) Humanities and fine arts, including foreign language.

(5) Health science.

Coursework in the listed fields taken in fulfillment of any other requirements that may be specified by the State Board of Education pursuant to subdivision (e) shall be credited toward this major. Notwithstanding any additional requirements as may be prescribed by the State Board of Education, the academic subject matter requirements set forth in this subdivision (d) shall constitute the total of such requirements for the standard teaching credential with a specialization in elementary teaching and with a diversified major as defined in this subdivision (d).

Notwithstanding any provisions of this section to the contrary, the Trustees of the California State Colleges, upon the recommendation of the chancellor, may approve a major in education, provided that such major meets the requirements of the diversified major as set forth in this subdivision (d) and that all coursework used to meet such requirements be provided in the several academic schools or departments, other than the school or department of education or educational methodology, of the institution. In addition to such major in education, a major in a subject matter area commonly taught in the public elementary schools shall be completed within the fifth academic year required in subdivision (a) of this section.

(e) Such additional requirements as may be prescribed by the State Board of Education In promulgating any additional requirements the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent in teaching experience. Such additional requirements shall include provisions for specialized preparation whenever the credential authorizes any service described in Section 13188(b).

(f) All public institutions of higher learning authorized to recommend the issuance of the standard teaching credential with specialization in elementary teaching shall offer courses meeting the minimum state requirements for professional preparation, including student teaching, in the upper division of their course offerings.

CHAPTER 1269

An act to add Section 71960 to the Water Code, relating to municipal water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 71960 is added to the Water Code, to read:

71960. The board may, without a vote of the electors, provide for the issuance of, and issue, general obligation bonds of the district or for an improvement district thereof if:

(a) The principal amount of such bonds do not exceed the then unissued balance of the principal amount of bonds authorized at an election held in the district, or in such improvement district, prior to May 9, 1967;

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

(c) The bonds are issued in accordance with the provisions of this article, except for the requirement of a bond election.

Bonds issued pursuant to this section may bear interest at a rate or rates not to exceed 6½ percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year. When bonds are issued pursuant to this section, unissued bonds as referred to in (a) and (b) above in a principal amount at least equal to the principal amount of bonds issued pursuant to this section, shall be canceled by order of the board and shall not be issued.

SEC. 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 municipal water districts have authorized but have not issued bonds which were authorized to provide funds for improvements urgently needed for the preservation of the public health and safety. In many cases, these bonds were authorized at an election held prior to May 9, 1967, at a time when the maximum interest rate under Section 71953 of the Water Code was 5 percent per annum. Because of rising interest rates many of these issues cannot be sold at a 5 percent rate. Although Section 71953 was amended on May 9, 1967, to raise the maximum to 6½ percent, a question has arisen as to whether or not bonds authorized at an election held prior to this amendment can be issued at a rate higher than 5 percent. The Legislature has the power to authorize municipal water districts to issue bonds without an election. This bill so authorizes but with appropriate restrictions insuring that the amount of bonds so issued will not exceed the amount previously authorized and will be issued for the same purpose.

CHAPTER 1270

An act to add Section 230 to the Labor Code, relating to service on juries by employees.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 230 is added to the Labor Code, to read:

230. No employer shall discharge an employee for taking time off to serve as required by law on an inquest jury or trial jury, if such employee, prior to taking such time off, gives reasonable notice to the employer that he is required to serve.

CHAPTER 1271

An act to add Section 2418.1 to the Vehicle Code, relating to ambulances.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 2418.1 is added to the Vehicle Code, to read:

2418.1. Notwithstanding any other provision of law, every emergency ambulance which is operated within this state by any public or private agency, including but not limited to any emergency ambulance which is operated by the State of California, any charter or general law city or county, or any district, shall be equipped at all times with a resuscitator.

For purposes of this section "emergency ambulance" means a vehicle which is designed or intended to be used in providing emergency transportation of wounded, injured, sick, invalid, or incapacitated human beings.

For the purposes of this section, a "resuscitator" means a portable hand-operated, self-refilling bag-valve mask unit for inflation of the lungs with either air or oxygen. The resuscitator shall not have any straps which could be used to attach the resuscitator to the human head.

CHAPTER 1272

An act to add Section 54957.6 to, and to amend Section 11126 of, the Government Code, relating to employer-employee relations.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 11126 of the Government Code is amended to read:

11126. Nothing contained in this article shall be construed to prevent a state agency from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. As a condition to holding an executive session on the complaints or charges to consider disciplinary action or to consider dismissal such officer or employee shall be given written notice of his right to have a public hearing rather than an executive session, which notice shall be delivered to him personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any officer or employee at such executive session shall be null and void. The state agency also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the state agency. Following the public hearing or executive session the agency may deliberate on the decision to be reached in an executive session.

Nothing in this article shall be construed to prevent state agencies, which administer the licensing of persons engaging in businesses, or professions from holding executive sessions to prepare, approve, grade or administer examinations.

Nothing in this article shall be construed to prohibit a state agency from holding an executive session to deliberate on a decision to be reached based upon evidence introduced in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code or similar provision of law.

Nothing in this article shall be construed to prevent any state agency from holding an executive session to consider matters affecting the national security.

Nothing in this article shall be construed to grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to

prevent a state agency from holding an executive session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

Nothing in this article shall be construed to prevent any executive session to consider the conferring of honorary degrees, or gifts, donations and bequests which the donor or proposed donor has requested in writing to be kept confidential.

Nothing in this article shall be construed to prevent the Alcoholic Beverage Control Appeals Board from holding an executive session for the purpose of holding a deliberative conference as provided in Section 11125 of the Government Code.

Nothing in this article shall be construed to prevent the Trustees of the California State Colleges from holding executive sessions dealing with site selection for such state colleges.

Nothing in this article shall be construed to prevent the Franchise Tax Board from holding executive sessions for the purpose of discussion of confidential tax returns or data the public disclosure of which is prohibited by law.

Nothing in this article shall be construed to prevent the Board of Corrections from holding executive sessions when considering reports of crime conditions under the provisions of Section 6027 of the Penal Code.

Nothing in this article shall be construed to prevent the Motor Vehicle Pollution Control Board from holding executive sessions when considering the proprietary specifications and performance data of manufacturers.

Nothing in this article shall be construed to prevent the Board of Administration of the Public Employees Retirement System from holding executive sessions when considering investment decisions.

Nothing in this article shall be construed to prevent the governing body of a public agency, or such boards, commissions, administrative officers, or other representatives as may properly be designated by law or by such governing body, from holding executive sessions with its representatives at any time in discharging its responsibilities under Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of this code as such sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits.

SEC. 2. Section 54957.6 is added to the Government Code, to read:

54957.6. Notwithstanding any other provision of law, a legislative body of a local agency may hold executive sessions with its designated representatives prior to and during consultations and discussions with representatives of employee organizations regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of employees in order to review its position and instruct its designated representatives.

CHAPTER 1273

An act to amend Section 24070 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 24070 of the Business and Professions Code is amended to read:

24070. Each license is separate and distinct and is transferable upon approval by the department from the licensee to another person and from one premises to another premises.

(a) All off-sale general licenses may be transferred from one county to another county, subject to the following provisions:

1. The number of off-sale general licenses in existence in any county on June 1 of any year shall not be increased by more than 25 new original off-sale general licenses during the following 12-month period, provided further that the number of new original off-sale general licenses that may be issued in any county during any 12-month period shall not increase by more than 10 percent the number of off-sale general licenses in existence in such county on the June 1 with which that 12-month period began.

2. After the department computes the number of new original off-sale licenses that may be issued in any county during any 12-month period as provided by the foregoing paragraph, if the department determines that the ratio established by Section 23817 will permit, during such 12-month period, additional off-sale general licenses in any county, off-sale general licenses may be transferred into such county in a number not to exceed by more than 10 percent the number of off-sale general licenses in existence in such county on the June 1 with which that 12-month period began, but in no event to exceed 25 such transfers during that 12-month period.

3. Under no circumstances shall the combined total number of new original off-sale general licenses that may be issued in any county during any 12-month period and the number of off-sale general licenses that may be transferred into such county during that 12-month period, exceed the limitation set forth in Section 23817.

(b) All on-sale general licenses may be transferred from one county to another county, subject to the following provisions:

1. The number of on-sale general licenses in existence in any county on June 1 of any year shall not be increased by more than 10 percent by the issuance of new original on-sale general licenses, but in no event to exceed 25 such licenses, during any 12-month period. The number of on-sale general licenses shall be limited by the provisions of Section 23816.

2. After the department computes the number of new original on-sale licenses that may be issued in any county during any 12-month period as provided by the foregoing paragraph, if the department determines that the ratio established by Section 23816 will permit, during such 12-month period, additional on-sale general licenses in any county, on-sale general licenses may be transferred into such county in a number not to exceed by more than 10 percent the number of on-sale general licenses in existence in such county on the June with which that 12-month period began, but in no event to exceed 25 such transfers during that 12-month period.

3. Under no circumstances shall the combined total number of new original on-sale general licenses that may be issued in any county during any 12-month period and the number of on-sale general licenses that may be transferred into such county during that 12-month period, exceed the limitation set forth in Section 23816.

4. The transfer fee for transfer of an on-sale general license from one county to another county shall be the same as the fee prescribed in subdivision (d) of Section 24072 for transfer of an off-sale general license from one county to another county.

(c) No retail license subject to the provisions of Section 23816 or 23817 issued as a new original license on or after June 1, 1961, and no off-sale general license or on-sale general license transferred from one county to another county on or after August 17, 1967, shall be transferable from the licensee to another person, or if the licensee is a corporation a controlling interest in the stock ownership of the licensee shall not be directly or indirectly, sold, transferred, or hypothecated unless the licensee be a corporation the stock of which is listed on a stock exchange in this state or in the City of New York, State of New York, or which is required by law to file periodic reports with the Security Exchange Commission, for a period of two years from date of issuance of the license, except as provided in Section 24071, and except when the department determines that the transfer is necessary to prevent undue hardship.

(d) No off-sale general license or on-sale general license that is transferred from one county to another county pursuant to this section shall be transferred thereafter for a purchase price or consideration to the transferor or from the transferee in excess of ten thousand dollars ($10,000), except that if the off-sale general license or on-sale general license was originally issued on or after June 1, 1961, the purchase price or consideration to the transferor or from the transferee shall not exceed six thousand dollars ($6,000), as provided by Section 24079.

CHAPTER 1274

An act to add Section 3342.5 to the Civil Code, relating to animals.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 3342.5 is added to the Civil Code, to read:

3342.5. (a) The owner of any dog which has bitten a human being shall have the duty to take such reasonable steps as are necessary to remove any danger presented to other persons from bites by such animal.

(b) Whenever a dog has bitten a human being on at least two separate occasions, any person may bring an action in the superior court against the owner of such animal to determine whether conditions of the treatment or confinement of the dog or other circumstances existing at the time of the bites have been changed so as to remove the danger to other persons presented by such animal. Such action shall be brought in the county where a bite occurred. The court, after hearing, may make any order it deems appropriate to prevent the recurrence of such an incident, including, but not limited to, the removal of the animal from the area or its destruction if necessary.

(c) Nothing in this section shall authorize the bringing of an action pursuant to subdivision (b) which is based on a bite or bites inflicted upon a trespasser, or by a dog used in military or police work if such bite or bites occurred while the dog is actually performing in such capacity.

(d) Nothing in this section shall be construed to prevent legislation in the field of dog control by any city, county, or city and county.

(e) Nothing in this section shall be construed to affect the liability of the owner of a dog under Section 3342 or any other provision of the law.

CHAPTER 1275

An act to amend Section 13101.4 of the Education Code, relating to the Teachers Professional Standards Commission, and making an appropriation.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 13101.4 of the Education Code is amended to read:

13101.4. Members of the Teachers Professional Standards Commission shall serve without compensation but shall be allowed actual and necessary expenses in attending meetings of the commission, its committees or subcommittees.

The compensation of the members of the commission who are public employees shall not be reduced by the agency or body by which they are regularly employed for any absence from service occasioned by attendance upon the business of the commission, its committees or subcommittees. No member shall attend more than 12 meetings or subcommittee meetings in any one year.

Each school district which employs a member of the commission and which is required to employ a person to replace such member during his attendance at meetings of the commission or any committee or subcommittee thereof, shall be reimbursed for the cost incurred by employing a replacement.

SEC. 2. Of the funds appropriated by Section 13183 of the Education Code for the issuance of teachers' credentials in augmentation of the support appropriations of the Department of Education, an amount necessary to reimburse a school district for the cost incurred pursuant to Section 13101.4 shall be allocated and expended during the 1968–69 fiscal year.

CHAPTER 1276

An act to amend Sections 1091.5 and 1120 and the heading of Article 4.6 (commencing with Section 1120) of Chapter 1, Division 4, Title 1, and to repeal Sections 36525, 36526, 36526.5, 36527 and 36528 of the Government Code, relating to financial interests of public officers.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 1091.5 of the Government Code is amended to read:

1091.5. (1) An officer or employee shall not be deemed to be interested in a contract if his interest is:

(a) 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;

(b) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty;

(c) That of a recipient of public services generally provided by the public body or board of which he is a member, on the

same terms and conditions as if he were not a member of the board.

(d) That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial, or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which event his interest shall be deemed a remote interest within the meaning and subject to the provisions of Section 1091.

(2) 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.

SEC. 2. Section 36525 of the Government Code is repealed.

SEC 3. Section 36526 of the Government Code is repealed.

SEC. 4. Section 36526.5 of the Government Code is repealed.

SEC 5. Section 36527 of the Government Code is repealed.

SEC. 6. Section 36528 of the Government Code is repealed.

SEC. 7. 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. 8. 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.

CHAPTER 1277

An act to add Section 3507.5 to the Government Code, relating to public employees.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 3507.5 is added to the Government Code, to read:

3507.5. In addition to those rules and regulations a public agency may adopt pursuant to and in the same manner as in Section 3507, any such agency may adopt reasonable rules and regulations providing for designation of the management and confidential employees of the public agency and restricting such employees from representing any employee organization, which represents other employees of the public agency, on matters within the scope of representation.

CHAPTER 1278

An act to provide for a study of the waterways of the state, relating to the recreational uses thereof, and making an appropriation therefor.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. It is hereby declared to be the policy of the State of California to provide for the conservation of those waterways of the state possessed of extraordinary scenic, fishery, wildlife, or outdoor recreation values.

SEC. 2. This act shall be known and may be cited as the "California Protected Waterways Act."

SEC. 3. The Resources Agency shall develop the California Protected Waterways Plan toward the accomplishment of the objectives of this act. The plan shall include:

(a) The identification of those waterways of the state possessed of extraordinary scenic, fishery, wildlife, or outdoor recreation resources;

(b) The identification of the public interest in, including all present and potential human demands for, the resources of such waterways and adjacent lands;

(c) The identification of activities or conditions which diminish, or threaten to diminish, the resources of such waterways;

(d) Proposed standards and requirements, and administrative and legislative actions, which would extend effective, long-range protection to the extraordinary scenic, fishery, wildlife, or outdoor recreation values of such waterways and adjacent lands on a basis which would permit the development and management of other natural resources where compatible, including appraisals of estimated costs and alternative means of financing to achieve such protection; and

(e) The identification of select waterways which merit priority action due to the nature of their resources, and either or both the degree of public interest in such resources and the rapidity of diminution of such resources by human activities.

SEC. 4. As used in this act:

(a) "Resources Agency" means the Administrator of the Resources Agency and such constituent units of the Resources Agency as the administrator deems necessary to accomplish the purposes of this act.

(b) "Plan" means the California Protected Waterways Plan.

(c) "Act" means the California Protected Waterways Act.

(d) "Waterways" shall be deemed to include the waters and adjacent lands of streams, channels, lakes, reservoirs, bays, estuaries, marshes, wetlands, and lagoons.

SEC. 5. The Administrator of the Resources Agency shall submit the initial elements of the proposed plan to the Governor for transmittal to the Legislature not later than the fifth legislative day of the 1971 Regular Session of the Legislature.

SEC. 6. The Resources Agency shall develop the final proposed plan through a process of study, evaluation, public hearings, and review by all interested parties The plan shall include formal comments by the State Water Resources Control Board and the board of supervisors of each county having jurisdiction over any waterway identified in the plan. In carrying out its duties and responsibilities, the Resources Agency shall have all of the following powers:

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

(b) To employ a program director.

(c) To contract for professional and consulting services as it deems necessary or convenient to the preparation of the plan.

(d) To cooperate with and to secure the cooperation of counties, cities, cities and counties, and other local agencies in investigating any matter within the scope of its duties and responsibilities.

(e) To cooperate with every department, agency or instrumentality in the state government, including but not limited to, the Department of Water Resources, the Department of Fish and Game, the Department of Parks and Recreation, the Department of Harbors and Watercraft, the State Water Resources Control Board, the various regional water quality control boards, the State Lands Division, and the Division of Highways; and to secure directly from every department, agency, or instrumentality full cooperation, access to its records, and access to any information, suggestions, estimates, data, and statistics such entities may have available.

(f) To cooperate with any other state or local agency which is engaged in making developmental studies relative to the waterways of California.

(g) To cooperate with the United States Army Corps of Engineers, the Department of the Interior, the Department of Agriculture, the Federal Power Commission, and any other federal agency having an interest in California waterways.

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

(i) To accept grants from the federal government or from other public or private agencies and to use such funds for the purposes set forth in this act.

(j) To do any and all other things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the powers expressly granted to it.

SEC. 7. The sum of twenty thousand dollars ($20,000) is hereby appropriated from the General Fund to the Resources Agency for expenditure in carrying out the provisions of this act.

CHAPTER 1279

An act to amend Section 3100 of the Education Code, relating to school district reorganization.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 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 effective 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 grades kindergarten to 12, inclusive, in any of the proposed new districts varies from the average assessed valuation per pupil in such grades in all of the territory of which the proposed new districts are comprised by more than 10 percent, except that if the assessed valuation per pupil in grades kindergarten to 12, inclusive, in each and every proposed new district is greater than the statewide average assessed valuation per pupil in grades kindergarten to 12, inclusive, the board shall not approve of the formation where the assessed valuation per pupil in grades kindergarten to 12, inclusive, in any of the new districts varies by more than 15 percent from the average assessed valuation per pupil in such grades in all of the territory of which the proposed new districts are comprised.

(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.

CHAPTER 1280

An act to amend Sections 9501, 9507, 9511, 9522.1, 9522.3, 9530, 9531, 9540, 9547, 9551.5, 9582, and 14191 of, and to add Sections 9533.3, 9538, 9550.5, 9551.6, 9551.7, and 9580.1 to, the Business and Professions Code, relating to the cleaning industry.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 9501 of the Business and Professions Code is amended to read:

9501. "Cleaning" and "drycleaning" mean the process of cleaning or renovating wearing apparel, feathers, furs, hats, fabrics, household items, or textiles by immersion and agitation, spraying, vaporization, or immersion only, in a volatile, commercially moisture-free solvent, or by the use of a volatile or inflammable product, applied either manually or by means of a mechanical appliance and including self-service or coin-operated equipment in whole or in part.

When the garment is a fur, fur garment, or a garment to which fur is attached, "drycleaning" also includes the use of sawdust or other similar solid materials mixed with noninflammable solvents, applied manually, with a mechanical device, or a fur-cleaning drum and glazing of fur and cleaning of lining. As used in this section, "spraying" does not include spraying during the process of spotting.

SEC. 2. Section 9507 of the Business and Professions Code is amended to read:

9507. "Clothes cleaning establishment" and "cleaning and dyeing establishment" mean any premises, building, room, or establishment commonly known to the trade as a cleaning plant or cleaning and dyeing plant, equipped to perform the service of drycleaning by immersion and agitation, or immersion only, in a volatile, commercially moisture-free solvent, and including self-service or coin-operated equipment in whole or in part.

SEC. 3. Section 9511 of the Business and Professions Code is amended to read:

9511. "Drycleaning agency" means any premises, business, building, room, shop, store, or establishment, including an establishment commonly known to the trade as a pickup shop, tailor shop, or secondhand clothing shop, service inlet, or service outlet, upon, in, or through which is operated a service for receiving and delivering wearing apparel, feathers, hats, fabrics, or textiles, but excluding furs, as to which a spotting, sponging, drycleaning, dyeing, renovating, or pressing or other finishing service is to be performed.

A person does not conduct a drycleaning agency within the meaning of this chapter if no charge is made for the services rendered and the only compensation received is a gratuity.

Nothing herein contained shall be deemed to be applicable to any salaried or commission driver using the firm name and address, and the sales tags and billheads of a regularly licensed drycleaning plant, cleaning and dyeing plant, cleaning and dyeing shop or store, or a spotting, sponging or pressing establishment.

SEC. 5. Section 9522.1 of the Business and Professions Code is amended to read:

9522.1. "Garment" means and includes wearing apparel, feathers, furs, hats, fabrics, or textiles which are or may be the subject of any transaction contemplated by this chapter, and includes the plural as well as the singular. Garments of more than one piece, commonly referred to as a unit, such as two- or three-piece suits, plain dresses, and overcoats, unless otherwise indicated, shall be deemed a "garment" when referred to herein.

The definition of "garment" herein set forth does not directly or indirectly limit the application of this chapter or the authority or jurisdiction of the board with respect to other items which are not wearing apparel; "garment" shall be broadly construed and shall not be limited to wearing apparel.

SEC. 6. Section 9522.3 of the Business and Professions Code is amended to read:

9522.3. "Wet-cleaning" means the process of cleaning a garment by immersion in water, or by applying manually or by any mechanical device, water, or any detergent and water, or by spraying or brushing the garment with water or water and any detergent, or water vapor, or steam, and includes self-service or coin-operated equipment in whole or in part.

SEC. 7. Section 9530 of the Business and Professions Code is amended to read:

9530. There is in the Department of Professional and Vocational Standards, the State Board of Dry Cleaners, which consists of seven members appointed by the Governor and confirmed by the Senate. The seven members of the board shall consist of two public members and five persons licensed or registered by the board. All board member licensees or registered persons shall have been actively engaged in the dry-

cleaning industry for at least three years and after January 1, 1972, shall have been actively engaged in the drycleaning industry for at least five years. It is desirable that members from the drycleaning industry be so selected that there shall be a geographical balance.

Each member of the board shall receive a per diem and expenses as provided in Section 103.

SEC. 8. Section 9531 of the Business and Professions Code is amended to read:

9531. Members of the board shall be appointed for a term of four years, and they shall serve until the appointment and qualification of their successor, but in such case no member whose term of office has expired shall serve for a period longer than one year, unless reappointed to the board. No member shall serve more than two successive regular four-year terms, but this provision shall not prevent any member of the board from completing his present term of office. The terms of the members first appointed shall expire as follows:

Three on January 15, 1946.

Three on January 15, 1947.

One on January 15, 1949.

The terms shall expire in the same relative order as to the members first appointed. Vacancies occurring shall be filled by appointment for the unexpired term. Before entering upon the duties of his office, each member of the board shall take and subscribe to the constitutional oath of office. A majority of the membership shall constitute a quorum for transacting any business of the board. A vacancy on the board shall not impair the right of the remaining members of the board to perform all duties and exercise the authority therein vested in the board. The Governor may remove a member for cause, and shall remove any member who ceases to be actively engaged in the drycleaning industry.

SEC. 8.5. Section 9533.3 is added to the Business and Professions Code, to read:

9533.3. The board shall adopt rules and regulations establishing minimum standards relating to the manner in which wearing apparel, feathers, furs, hats, fabrics, or textiles are to be cleaned or drycleaned for the purpose of protecting the public interest by insuring a high degree of workmanship in the cleaning or drycleaning of such articles.

SEC. 9. Section 9538 is added to the Business and Professions Code, to read:

9538. Prior to entering into an agreement to sell to any person in this state who is not licensed under this chapter any business for which a license is required under this chapter or any article of equipment which the seller knows or in the exercise of reasonable care should know may be intended to be used by the purchaser in the performance of a drycleaning service for which a license is required by this chapter, the seller shall notify the purchaser in writing that a license may be required under this chapter for such business or such use

of equipment, as the case may be. Failure to give such notice shall render the agreement null and void.

SEC. 9.5. Section 9540 of the Business and Professions Code is amended to read:

9540. No person shall establish or operate a clothes cleaning establishment, a dyeing plant, a spotting and pressing shop or store, a press shop or store, a drycleaning agency, a hat renovating establishment, a fur renovating establishment, or a school or college of cleaning or dyeing or both cleaning and dyeing, spotting or pressing, without first obtaining a license so to do from the board. Before a license may be issued, such person shall file at the board's principal office, a written application, upon a form prescribed by the board, accompanied by the fee prescribed by this chapter for an investigation and examination. A person applying for a drycleaning agency shall not be required to take the prescribed examination. The applicant shall submit with his application, evidence showing that:

1. He possesses competent knowledge of the particular branch of the industry in which he wishes to engage.

2. He has the character, ability and fitness therefor.

SEC. 10. Section 9547 of the Business and Professions Code is amended to read:

9547. The board shall require that all licensees that conduct, maintain, or operate establishments licensed by the board file with the board a surety bond in the sum of one thousand dollars ($1,000) unless, after determination as hereinafter provided, such bond is waived. Such bond shall be duly executed by an admitted surety insurer, shall be continuous in form, shall be in favor of the people of the State of California and the total aggregate liability on such bond shall in no event exceed the face amount thereof.

The bond shall be conditioned that the principal shall and will be liable for fraud of or all claims for damaged articles of clothing of persons with whom the licensee may deal as a licensee.

If, however, upon application and such proof as the board may require, the board determines that the financial responsibility of any licensee is acceptable in the public interest, the board may waive the filing of the surety bond in accordance with such conditions as may be prescribed by the rules and regulations of the board.

Payments which are to be made pursuant to any bond which is required by this section shall be limited to payments of claims which have been approved by the final decision of a court.

SEC. 11. Section 9550.5 is added to the Business and Professions Code, to read:

9550.5. The board shall issue certificates of registration in the following categories:

(a) Clean Only. This certificate shall be issued to a person who has qualified to act as the registered operator in

charge of a clothes cleaning establishment or a cleaning and dyeing establishment which performs a drycleaning service but not a spotting or pressing service.

(b) Clean and Spot. This certificate shall be issued to a person who has qualified to act as the registered operator in charge of a clothes cleaning establishment or a cleaning and dyeing establishment which performs a drycleaning and spotting service but not a pressing service.

(c) Clean, Spot and Press. This certificate shall be issued to a person who has qualified to act as the registered operator in charge of a clothes cleaning establishment or a cleaning and dyeing establishment which performs a drycleaning, spotting and pressing service.

SEC. 12. Section 9551.5 of the Business and Professions Code is amended to read:

9551.5. An applicant for a certificate of registration shall:

(a) Be of good moral character Lack of good moral character may be established by showing that any of the grounds specified in Section 9540.3 of this code are applicable to the applicant.

(b) Demonstrate by examination that he possesses the knowledge and skills necessary to qualify him to act as a registered operator in the particular activity for which the certificate is sought.

SEC. 13. Section 9551.6 is added to the Business and Professions Code, to read:

9551.6. Except as otherwise provided by Section 9551.7, an applicant for a certificate of registration shall, at the time he files his application, have had the following active experience in the drycleaning industry, in this or another state or, in lieu thereof, the following training in a school approved by the board:

(a) For a certificate in the Clean Only category, four months of experience or 120 hours of training.

(b) For a certificate in the Clean and Spot category, eight months of experience or 240 hours of training.

(c) For a certificate in the Clean, Spot and Press category, 12 months of experience or 360 hours of training.

SEC. 14. Section 9551.7 is added to the Business and Professions Code, to read:

9551.7. The board may, by regulation, reduce the amount of experience or the number of hours of training required by Section 9551.6 for the certificates described in such section and may by regulation provide for the issuance of certificates of registration in other categories and prescribe the amount of experience or number of hours of training required to qualify for such certificates, if it determines that such action is necessary or desirable to carry out the purposes of this chapter, except that in no event shall the board require more than 12 months of experience or 360 hours of training as a condition of qualifying in any category.

SEC. 15. Section 9580.1 is added to the Business and Professions Code, to read:

9580.1. At the time of filing an application for a premises establishment permit to be issued by the State Fire Marshal as provided in the Health and Safety Code, Sections 13300 to 13404, each applicant shall pay to the board a fee to be fixed by regulation of the board. Said fee shall be not less than seventy-five dollars ($75) nor more than five hundred dollars ($500). In fixing said fee the board shall give due consideration to the costs and expenses of the Fire Marshal incident to review of plans and specifications, inspections, approvals, variations in fire or other hazards of proposed premises and may establish fee classifications based upon differences in hazardous premises in the interests of the public health, safety and welfare. Premises, as herein referred to, shall not be deemed to require or be limited to a new location or site and shall include personal property, facilities, equipment, appurtenances and all items used in and about a plant or establishment, whether or not affixed to, attached to, or a part of the real property.

SEC. 16. Section 9582 of the Business and Professions Code is amended to read:

9582. The amount of the fees prescribed by this chapter relating to shop licenses is as follows:

(a) The fee for an application for examination is twenty dollars ($20).

(b) Except as provided in subdivision (e) of this section, the renewal fee is thirty dollars ($30).

(c) The delinquency fee is six dollars ($6).

(d) The initial license fee is thirty dollars ($30) if the license is issued not less than one year before the date on which it will expire, and fifteen dollars ($15) if the license is issued less than one year before the date on which it will expire. 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.

(e) The renewal fee for an agency license is two dollars ($2) if at the time the licensee applies for renewal of his license, he establishes by proof satisfactory to the board that the gross receipt from his agency business during the preceding 12-month period did not exceed one hundred fifty dollars ($150).

SEC. 17. Section 14491 of the Business and Professions Code is amended to read:

14491. The violation of any of the provisions of this article is a misdemeanor, except that if the violation consists of unlawfully using, selling, or secreting in any place supplies of a value of two hundred dollars ($200) or more, such violation is a felony.

CHAPTER 1281

An act to add Section 651.2 to the Business and Professions Code, relating to healing arts.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 651.2 is added to the Business and Professions Code, to read:

651.2. No person licensed under this division or under any initiative act referred to in this division shall, in any advertisement, represent expressly or impliedly that he will furnish in connection with the professional practice or business for which he is licensed any service or commodity or both, free or without cost.

CHAPTER 1282

An act to add Section 2188.4 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 2188.4 is added to the Revenue and Taxation Code, to read:

2188.4. Whenever a portion of a parcel of land, other than that used for grazing or other agricultural purposes and property assessed by the State Board of Equalization, is subject to a lease which is recorded or for which a memorandum of lease is recorded and which provides for a term (including options to renew) of 15 years or more from the commencement date of the lease and which requires the lessee to pay, or to reimburse the lessor for, the property taxes (or any portion thereof) on the leased premises, the assessor shall separately assess the land and improvements subject to the lease and the land and improvements not subject to the lease upon application for such separate assessments by the lessor or lessee prior to the lien date; provided the boundaries of the leased area do not pass through any improvement except along a bearing partition; and provided that each parcel as described must have access frontage on a dedicated street. The assessor shall thereafter continue to make such separate assessments until the expiration date of the lease or at an earlier date should the lessor or lessee file a written request that the separate assessments be discontinued.

The assessor may, in his discretion, assess the leased premises to the lessor or the lessee; provided, that if the lessor is

assessed, all notices of assessment and tax bills relating to the leased premises shall be mailed to the lessor in care of the lessee at the lessee's latest address known to the assessor, or a copy of such notices and bills shall be mailed to the lessee at such address.

CHAPTER 1283

An act to amend Sections 13182 and 13183 of the Education Code and Section 3 of Chapter 1674 of the Statutes of 1967, relating to certification of teachers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 13182 of the Education Code is amended to read:

13182. The fee for each credential or life diploma or for the renewal of a credential shall be fixed by the State Board of Education at an amount no less than the cost of its issuance or renewal, except that no such fee shall exceed twenty dollars ($20); provided that on and after March 1, 1969, no such fee shall exceed fifteen dollars ($15) if a third generation computer has not been installed within the Department of Education by that date for the purpose of converting the teacher certification function to an automatic data-processing system.

The State Board of Education may require a fee, in an amount fixed by the board, for evaluation of transcripts of applicants for certification documents, which fee may be applied toward the fee for any credential or life diploma issued within such time as may be determined by the board.

SEC. 1.5. Section 13183 of the Education Code is amended to read:

13183. All of the fees prescribed by Sections 13182 to 13184, inclusive, are hereby appropriated without regard to fiscal year for the support of the Department of Education to be used for the issuance of teachers credentials in addition to such other amounts as may be appropriated therefor by the Legislature. Such fees shall augment such support appropriation of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated by the Department of Education prior to their deposit in the State Treasury.

SEC. 2. Section 3 of Chapter 1674 of the Statutes of 1967 is amended to read:

Sec. 3. The Department of Education is authorized to certification procedure to an automatic data-processing system begin the implementation of the conversion of the teacher

and to continue and complete the conversion of its teacher certification records to a microfilm storage and record retrieval system. Notwithstanding the provisions of Section 13183 of the Education Code, five dollars ($5) of each of the fees prescribed in Section 13182 of the Education Code is appropriated without regard to fiscal year to the Department of Education to be used by the Department of Education for the following purposes: (1) establishment of the branch offices pursuant to Section 373 of the Education Code; (2) conversion of the teacher certification procedure to an automatic data-processing system; and (3) completion of the conversion of the department's teacher certification records to a microfilm storage and records retrieval system.

SEC. 3. This act shall become operative 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:

Section 3 of Chapter 1674 of the Statutes of 1967 limits the amount available for general operations of the certification office to ten dollars ($10) of each application fee. It is necessary that any increase in proceeds from credential application fees be made available, commencing with the 1968–1969 fiscal year, for support of the certification office, including conversion to automation of the certification procedure and completion of the conversion of certification records to microfilm. It is therefore necessary that this act go into immediate effect.

CHAPTER 1284

An act to amend and renumber Sections 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2665, 2665.3, 2666, 2667, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2680, 2681, 2685, 2688, 2690, 2692, 2693, and 2694 of, and to add Sections 2600, 2621, 2639, and 2651 to, and to repeal Sections 2461 and 2671.5 of, and Chapter 5.6 (commencing with Section 2600) of Division 2 of, the Business and Professions Code, relating to the practice of physical therapy.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 2461 of the Business and Professions Code is repealed.

SEC. 2. Chapter 5.6 (commencing with Section 2600) of Division 2 of the Business and Professions Code is repealed.

SEC. 3. Section 2600 is added to the Business and Professions Code, to read:

2600. This chapter may be cited as the Physical Therapy Practice Act.

SEC. 4. Section 2650 of the Business and Professions Code is amended and renumbered to read:

2601. "Board" as used in this chapter means the Board of Medical Examiners of the State of California which shall enforce and administer the provisions of this chapter.

SEC. 5 Section 2651 of the Business and Professions Code is amended and renumbered to read:

2602. There is hereby created within the jurisdiction of the board, a Physical Therapy Examining Committee, hereinafter referred to as the examining committee.

SEC 6. Section 2652 of the Business and Professions Code is amended and renumbered to read:

2603. The members of the examining committee shall be the following: a physician and surgeon duly licensed by the board, but not a member of the board; four physical therapists who shall have practiced physical therapy for five years and shall be licensed by the board; and a public member who shall not be a licentiate of the committee or of any board under this division or of any board referred to in Sections 1000 and 3600.

SEC. 7. Section 2653 of the Business and Professions Code is amended and renumbered to read:

2604. The members of the examining committee shall be appointed by the Governor. The members in office at the effective date of the amendment made to this section by the Legislature at its 1959 Regular Session shall continue in office until the expiration of their terms. The persons appointed to succeed the physical therapist member whose term expires on January 15, 1960, shall be appointed for a term expiring on January 15, 1963. The persons appointed to succeed the remaining members of the committee shall be appointed for terms expiring on January 15, 1964, January 15, 1965, and January 15, 1966, respectively. Thereafter appointments shall be for a term of four years.

The Governor shall fill the vacancy created on January 15, 1970, by the expiration of one of the member's term of office by appointment of a physical therapist who was registered under Chapter 5.6 (commencing with Section 2600) of this division, repealed at the 1968 Regular Session of the Legislature, and who is at the time of his appointment licensed under this chapter.

The Governor shall fill the new position created on the effective date of the 1968 amendment to Section 2603 by appointment of a physical therapist who was registered under Chapter 5.6 (commencing with Section 2600) of this division, repealed at the 1968 Regular Session of the Legislature, and who is at the time of his appointment licensed under this chapter.

The Governor shall, on or before January 1, 1962, appoint the first public member of the committee, and his term shall

expire on January 15, 1965. Thereafter appointments shall be for a term of four years.

Not more than one member of the examining committee shall be appointed from the faculty of any university, college, or other educational institution.

No person may serve as a member of the examining committee for more than two consecutive terms. Vacancies shall be filled by appointment for the unexpired term. Annually the examining committee shall elect one of its members as chairman.

The Governor shall have the power to remove any member of the examining committee from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

SEC. 8. Section 2654 of the Business and Professions Code is amended and renumbered to read:

2605. It shall be the duty of the examining committee to examine applicants for a license as provided by this chapter, at such places and at such times as shall be designated by the board in its discretion. It may employ physical therapists licensed pursuant to this chapter to aid it in such examination. The examination shall embrace the following subjects: anatomy, pathology, kinesiology, physiology, psychology, physics, electrotherapy, radiation therapy, hydrotherapy, massage, therapeutic exercise, physical therapy as applied to medicine, neurology, orthopedics, surgery, psychiatry, procedures of evaluation, testing, and measuring, and technical procedures in the practice of physical therapy.

SEC. 9. Section 2655 of the Business and Professions Code is amended and renumbered to read:

2606. Each member of the committee shall receive a per diem and expenses as provided in Section 103.

SEC. 10. Section 2656 of the Business and Professions Code is amended and renumbered to read:

2607. The board may employ, subject to law, such inspectors, special agents, investigators, clerical assistants and other employees as it may deem necessary to carry out its powers and duties.

SEC. 11. Section 2657 of the Business and Professions Code is amended and renumbered to read:

2608. The procedure in all matters and proceedings relating to the denial, suspension, or revocation of licenses under this chapter shall be governed by the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 12. Section 2658 of the Business and Professions Code is amended and renumbered to read:

2609. The board may issue, suspend, and revoke licenses to practice physical therapy as provided in this chapter.

SEC. 13. Section 2659 of the Business and Professions Code is amended and renumbered to read:

2610. On or before the first day of January of each year, the board shall transmit to the Governor a full and true report of all its receipts and disbursements.

SEC. 14. Section 2660 of the Business and Professions Code is amended and renumbered to read:

2620. The term "physical therapy" means the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, massage, and active, passive, and resistive exercise. The use of roentgen rays and radioactive materials, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter, and a license issued pursuant to this chapter does not authorize the diagnosis of disease.

SEC. 15. Section 2621 is added to the Business and Professions Code, to read:

2621. Nothing in this chapter shall be construed as authorizing a physical therapist to practice medicine, surgery, or any other form of healing except as authorized by Section 2620.

SEC. 16. Section 2661 of the Business and Professions Code is amended and renumbered to read:

2622. "Physical therapist," or "physiotherapist," or "physical therapy technician" means a person who practices physical therapy. For all purposes of this chapter the term "physical therapy" and "physiotherapy" shall be deemed identical and interchangeable.

SEC. 17. Section 2665 of the Business and Professions Code is amended and renumbered to read:

2630. Except as provided in this chapter, it is unlawful for any person or persons to practice, or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself out as a physical therapist, unless at the time of so doing such person holds a valid unexpired and unrevoked license issued under this chapter. This prohibition does not apply to any of the following:

(a) Any activities authorized by their licenses on the part of any persons licensed under this code or any initiative act, or any activities by a full-time assistant in such licentiate's office under his orders, direction and immediate supervision.

(b) The practice of physical therapy procedures by registered nurses when such practice is within the scope of their licenses.

(c) Any activities of nonregistered nurses permitted by Section 2731 of this code.

(d) Any person employed by any agency, bureau or division of the government of the United States, while performing the duties of such employment.

(e) The demonstration of any physical therapy equipment by a salesman or merchant engaged in selling such equipment.

(f) The administration of massage, external baths or normal exercise.

SEC. 18. Section 2665.3 of the Business and Professions Code is amended and renumbered to read:

2631. Any person who met all of the requirements of Section 2668, as added by Chapter 1826 of the Statutes of 1953 and repealed by Chapter 1533 of the Statutes of 1957, and who was qualified to be licensed as a physical therapist under the provisions of that section, but who failed to apply for licensing within the one-year period prescribed in that section because of lack of knowledge or lack of notice of the licensing requirements, shall be licensed by the board without being required to take the examination prescribed by this chapter, upon filing an application on or before July 31, 1968, and signing a proper affidavit to be prescribed by the board; provided, he pays the fee specified in subdivision (a) of Section 2462.

SEC. 19. Section 2666 of the Business and Professions Code is amended and renumbered to read:

2632. All licenses for the practice of physical therapy in this state shall be issued by the board and all applications for such licenses shall be filed with the board. The license issued by the board shall describe the licensee as a "Registered Physical Therapist licensed by the Board of Medical Examiners."

Each application shall be accompanied by the application fee prescribed by Section 2462, shall be signed by the applicant, and shall contain a statement under oath of the facts entitling the applicant to receive a license without examination or to take an examination.

SEC. 20. Section 2667 of the Business and Professions Code is amended and renumbered to read:

2633. A person holding a license as a physical therapist issued by the board may use the title "physical therapist" or the letters "P.T." or any other words, letters or figures which indicate that the person using same is a licensed physical therapist. No other person shall be so designated or shall use the term licensed or registered physical therapist, licensed or registered physiotherapist, licensed or registered physical therapy technician, or the letters "L.P.T.," "R.P.T.," or "P.T." The license as a physical therapist shall not authorize the use of the prefix "Dr.," the word "doctor," or any suffix or affix indicating or implying that the licensed person is a doctor or a physician or surgeon.

SEC. 21. Section 2669 of the Business and Professions Code is amended and renumbered to read:

2634. The examining committee may investigate each and every applicant for a license, before a license is issued, in order to determine whether or not such applicant has in fact the qualifications required by this chapter.

SEC. 22. Section 2670 of the Business and Professions Code is amended and renumbered to read:

2635. Every applicant for a license under this chapter shall, at the time of application, be a resident of this state and a person over 21 years of age, of good moral character, not addicted to the intemperate use of alcohol or any narcotic drug, and have successfully completed courses of training equivalent to the minimum standard established in this chapter for approval by the board.

SEC. 23. Section 2671 of the Business and Professions Code is amended and renumbered to read:

2636. Except as otherwise provided in this chapter, no person shall receive a license under this chapter without first successfully passing an examination given under the direction of the examining committee. Such examination shall be in writing and shall be conducted by such persons and in such manner and under such rules and regulations as shall be prescribed by the examining committee but shall be so conducted that the identity of each applicant taking an examination will be unknown to all of the examiners until all of the papers have been graded.

SEC. 24. Section 2671.5 of the Business and Professions Code is repealed.

SEC. 25. Section 2672 of the Business and Professions Code is amended and renumbered to read:

2637. Every applicant who is otherwise qualified as provided in this chapter and who receives an average grade of 75 percent and does not receive grades below 65 percent in any two subjects shall be granted a license.

SEC. 26. Section 2673 of the Business and Professions Code is amended and renumbered to read:

2638. Any applicant who fails to pass the examination given by the examining committee may take another examination in the subjects in which he failed without payment of an additional application fee, but must be so reexamined not less than six months or more than 12 months after the unsuccessful examination. Upon failure of an applicant to pass a second examination the board may require him to complete additional courses of study designated by the board, in which case he may be required before taking another examination to present to the board satisfactory evidence of having completed the required additional courses and shall pay an additional fee equal to the fee required for filing the original application.

SEC. 27. Section 2639 is added to the Business and Professions Code, to read:

2639. Every graduate of an approved physical therapy school who has filed a physical therapy application with the board may, between the date of filing and the publication of the results of the next succeeding examination, practice as a physical therapist under the supervision of a physician and surgeon duly licensed by the board and a physical therapist

in a licensed hospital, clinic, or sanitarium or under the direct and immediate supervision of a physical therapist licensed in this state.

If the person practicing pursuant to this section shall fail to pass the examination, all privileges under this section shall automatically cease.

SEC. 28. Section 2674 of the Business and Professions Code is amended and renumbered to read:

2640. The provisions of Article 15 (commencing with Section 2450) of Chapter 5 of this division apply to the issuance and govern the expiration and renewal of licenses issued under this chapter and the fees payable therefor.

SEC. 29. Section 2675 of the Business and Professions Code is amended and renumbered to read:

2641. On or before the first day of each even-numbered year, the board shall mail to each licensee under this chapter, at the latest address furnished by such licensee to such secretary, a notice stating the amount of the renewal fee and the date on which it is due, and that failure to pay it on or before the due date will result in expiration of the license.

SEC. 30. Section 2680 of the Business and Professions Code is amended and renumbered to read:

2650. Except as otherwise provided in this chapter, all applicants for licenses under this chapter, shall have a high school diploma or equivalent education and shall have one of the following qualifications:

(a) Graduation from a school of nursing approved by the Board of Nurse Examiners of the State of California;

(b) Graduation from a school of physical education;

(c) Two years of college training in an accredited school or accredited schools including courses in biological and physical sciences; and in addition all applicants shall have successfully completed, professional education in physical therapy consisting of courses of instruction, in schools approved by the board, and conducted under the supervision of a physician and surgeon licensed under the board, or approved by the board, equivalent to the following minimum standards:

A course of not less than 1,200 hours (reasonably distributed), in residence, providing that the minimum length of full-time training shall be 12 months, and including the following subjects taught by instructors having the following qualifications:

Subject	Qualification of instructors
(a) Applied sciences	Physician and surgeon or other instructor qualified in specialty
Anatomy	
Pathology	
Physiology	
Psychology	
Physics, correlated with other subjects	

Subject	Qualification of instructors
(b) Procedures	Physical therapist
Electrotherapy	
Radiation therapy (not including X-ray or radium therapy)	
Hydrotherapy	
Massage	
Therapeutic exercise	
(c) Physical therapy as applied to	
Medicine	For theory, physician and surgeon or other instructor qualified in specialty
Neurology	
Orthopedics	For practice, physical therapist
Surgery	
Psychiatry	
(d) Ethics and administration	Physical therapist
(e) Electives	Physical therapist
(f) Clinical practice	A physician and surgeon and a physical therapist.

SEC. 31. Section 2651 is added to the Business and Professions Code, to read:

2651. The board shall approve each school of physical therapy that proves to the satisfaction of the board that it complies with the essentials of an acceptable school of physical therapy promulgated by the Council on Medical Education of the American Medical Association, except that each such school in addition shall comply with all of the provisions of this chapter and the rules of the board adopted pursuant to this chapter.

SEC. 32. Section 2681 of the Business and Professions Code is amended and renumbered to read:

2652. All schools whether situated in this state or not, furnishing courses of study meeting the minimum standard required by Section 2650 of the code shall be approved by the board and shall be entitled to compel such approval, if the same is denied, by action in the Superior Court of the State of California, the procedure and power of the court in which action shall be the same as provided in Section 2174 of this code.

SEC. 33. Section 2685 of the Business and Professions Code is amended and renumbered to read:

2660. The board may, after appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months or revoke any license issued under this chapter for any of the following causes:

(a) Advertising in violation of Section 17500 of the Business and Professions Code.

(b) Fraud in the procurement of any license under this chapter.

(c) Procuring or aiding or offering to procure or aid in criminal abortion.

(d) Conviction of a felony or other crime involving moral turpitude. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction.

(e) Impersonating or acting as a proxy for an applicant in any examination given under this chapter.

(f) Habitual intemperance.

(g) Addiction to the excessive use of any habit-forming drug.

(h) Gross negligence in his practice as a physical therapist.

(i) Conviction of a violation of any of the provisions of this chapter.

SEC. 34. Section 2688 of the Business and Professions Code is amended and renumbered to read:

2661. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 35. Section 2690 of the Business and Professions Code is amended and renumbered to read:

2670. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars ($500) or imprisonment in a county jail not exceeding six months, or by both.

SEC. 36. Section 2692 of the Business and Professions Code is amended and renumbered to read:

2680 The board shall keep a record of its proceedings under this chapter, and a register of all persons licensed under it. The register shall show the name of every living licensee, his last known place of residence, and the date and number of his license as a physical therapist. The board shall, during the month of May of each even-numbered year, compile a list of physical therapists authorized to practice physical therapy in the state. Any interested person in the state is entitled to obtain a copy of that list upon application to the board and payment of such amount as may be fixed by the board, which amount shall not exceed the cost of the list so furnished.

SEC. 37. Section 2693 of the Business and Professions Code is amended and renumbered to read:

2681. Within 10 days after the beginning of each calendar month the board shall report to the State Controller the amount and source of all collections made from persons licensed or seeking to be licensed under this chapter and at the same time pay all such sums into the State Treasury, where they shall be credited to the Physical Therapy Fund.

SEC. 38. Section 2694 of the Business and Professions Code is amended and renumbered to read:

2682. There is in the State Treasury the Physical Therapy Fund. All collections from persons licensed or seeking to be licensed under this chapter shall be paid by the board into such fund after report to the State Controller at the beginning of each month of the amount and source of the collections. All money in the Physical Therapy Fund is appropriated to carry out the purposes of this chapter.

SEC. 39. The unencumbered balance of funds in the Contingent Fund of the Board of Medical Examiners on the effective date of this chapter, which funds have been derived in connection with the provisions of Chapter 5.6 (commencing with Section 2600) of Division 2 of the Business and Professions Code repealed by this act, shall on order of the State Controller be transferred to the Physical Therapy Fund.

SEC. 40. Each person who on the effective date of this act is a registered physical therapist under Chapter 5.6 (commencing with Section 2600) of Division 2 of this code, and each person who on the effective date of this act is a licensed physical therapist under Chapter 5.7 (commencing with Section 2650), of Division 2 of the Business and Professions Code shall, on or before January 1, 1970, return their certificate or license, as the case may be, to the Board of Medical Examiners and, upon payment of a fee fixed by the board, not in excess of five dollars ($5), to cover costs of administration, shall receive in its place a license authorizing that person to practice under Chapter 5.7 as amended by this act.

CHAPTER 1285

An act to amend Section 1 of Chapter 800, Statutes of 1957, relating to tide and submerged lands within the Bolinas Harbor District.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 1 of Chapter 800 of the Statutes of 1957 is amended to read:

Section 1. There is hereby granted to the Bolinas Harbor District, hereinafter called "district," a political subdivision

of the State of California, and to its successors, all the right, title, and interest now held by the State of California by virtue of its sovereignty, in and to all lands, salt marsh, tidelands, submerged lands, and swamp and overflowed lands in Bolinas Bay situated and lying within the boundaries of the Bolinas Harbor District as such boundaries exist on the effective date of this act.

To be forever held by said district, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said district, and its successors, for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and for the construction, maintenance and operation thereon of public buildings and public parks and playgrounds, and for public recreational purposes, and said district, or its successors, shall not at any time, grant, convey, give or alien said lands, or any part thereof, except dredged or other materials, such as earth, clay, sand, gravel, mud and silt, removed in connection with the creation, maintenance or operation of the harbor and other objects herein contemplated, to any individual, firm or corporation for any purposes whatsoever; provided, that said district, 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), for such public uses and purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases, franchises and privileges. Any revenue derived by the district from the sale of dredged or other materials removed in connection with the creation, maintenance or operation of the harbor and other objects herein contemplated shall be used by the district in furtherance of the trust uses and purposes.

(b) That said lands shall be substantially improved by said district prior to July 6, 1971 without expense to the state, and shall always remain available for public use for all purposes consistent with the trust under which the state holds sovereign lands, 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 and facilities constructed on said lands, or any part thereof, for any vessel or other watercraft or aircraft, or railroad, owned or operated by the State of California. If the State Lands Commission determines that the district has failed prior to July 6, 1971 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 said lands shall revert and vest in the state. The district shall develop a harbor development plan. In connection therewith the district shall jointly meet and hold public hearings with the Marin County Board of Supervisors. The district shall submit the proposed plan to the board of supervisors for its approval. The district shall not proceed with the development of the harbor until the proposed plan has been approved by the board of supervisors. The board of supervisors shall approve or disapprove the proposed plan within 30 days after the proposed plan is submitted to it. If the proposed plan is disapproved by the board of supervisors, a revised plan may be developed in the manner provided in this subdivision for the development of the original plan.

In the event the board of supervisors fails to act within 30 days such failure shall be deemed to be automatic approval of the plan.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities 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 district or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes together with the right of navigation.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, 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 land, but this exception and reservation shall not apply to dredged or other materials, such as earth, clay, sand, gravel, mud and silt removed in connection with the creation, maintenance or operation of the harbor and other objects herein contemplated.

(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 district, 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 interest.

CHAPTER 1286

An act to amend Sections 10176 and 10176.1 of the Insurance Code, relating to insurance.

[Approved by Governor August 13, 1968 Filed with Secretary of State August 13, 1968]

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

SECTION 1. Section 10176 of the Insurance Code is amended to read:

10176. In disability insurance the policy may provide for payment of medical, surgical, chiropractic, dental, hospital, or optometric expenses upon a reimbursement basis, or for the exclusion of any such services, and provision may be made therein for payment of all or a portion of the amount of charge for such services without requiring that the insured first pay such expenses No such policy shall prohibit the insured from selecting any holder of a certificate or license under Sections 1000, 1634, 2135, 2553, or 3055 of the Business and Professions Code to perform the particular services covered under the terms of the policy, such certificate holder or licensee being expressly authorized by law to perform such services.

SEC. 2. Section 10176.1 of the Insurance Code is amended to read:

10176.1. As of the effective date of the amendments to this section enacted at the 1968 Regular Session of the Legislature all disability policies shall be construed to be in compliance with Section 10176, and any provision in such policies in conflict therewith shall be of no effect.

CHAPTER 1287

An act to amend Section 69588 of the Government Code, relating to courts

[Approved by Governor August 13, 1968 Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 69588 of the Government Code is amended to read:

69588. In the County of Marin there shall be five judges of the superior court.

CHAPTER 1288

An act to add Section 2983.7 to the Civil Code, relating to conditional sales contracts.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 2983.7 is added to the Civil Code, to read:

2983.7. No conditional sale contract shall contain any provision by which:

(a) The buyer agrees not to assert against the seller a claim or defense arising out of the sale or agrees not to assert against an assignee such a claim or defense.

(b) A power of attorney is given to confess judgment in this state, or an assignment of wages is given; provided, that nothing herein contained shall prohibit the giving of an assignment of wages contained in a separate instrument pursuant to Section 300 of the Labor Code.

(c) The buyer waives any right of action against the seller or holder of the contract or other person acting on his behalf, for any illegal act committed in the collection of payments under the contract or in the repossession of the motor vehicle.

(d) The buyer executes a power of attorney appointing the seller or holder of the contract, or other person acting on his behalf, as the buyer's agent in the collection of payments under the contract or in the repossession of the motor vehicle.

(e) The buyer relieves the seller from liability for any legal remedies which the buyer may have against the seller under the contract or any separate instrument executed in connection therewith.

(f) The seller or holder of the contract is given the right to commence action on a contract under the provisions of this chapter in a county other than the county in which the contract was in fact signed by the buyer, the county in which the buyer resides at the commencement of the action, the county in which the buyer resided at the time the contract was entered into, or in the county in which the motor vehicle purchased pursuant to such contract is permanently garaged.

CHAPTER 1289

An act to amend Section 15707 of the Education Code, relating to leasing of school buildings.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 15707 of the Education Code is amended to read:

15707. The governing board of a school district shall call and hold an election, pursuant to Section 15708 or 15709, before or after entering a lease or agreement, as the case may be, except that if the lease or agreement does not effect an increase in the existing applicable maximum tax rate of a junior college district, the election requirements of this section shall not apply.

CHAPTER 1290

An act to add Article 8 (commencing with Section 22860) to Chapter 1 of Part 5 of Division 5 of Title 2 of the Government Code, relating to the Meyers-Geddes State Employees' Medical and Hospital Care Act, and making an appropriation therefor.

[Approved by Governor August 13, 1968 Filed with Secretary of State August 13, 1968]

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

SECTION 1. Article 8 (commencing with Section 22860) is added to Chapter 1 of Part 5 of Division 5 of Title 2 of the Government Code, to read:

Article 8. Employees Stationed Out of State

22860. For purposes of this article "out-of-state employee" means any employee permanently assigned to perform his duties outside of the state.

22861. An out-of-state employee eligible to enroll under this part shall be eligible to receive the benefits provided by this part otherwise than by this article, or in the alternative and at his election, made in accordance with such reasonable rules as the board may prescribe, may receive the benefits provided by this article. An election to receive the benefits provided by this article shall render such person ineligible for enrollment under plans approved or contracted for under this part at any time thereafter while in the out-of-state employment or during retirement from such employment.

22862. An out-of-state employee may enter into a group plan, group insurance policy, group service agreement, membership or subscription contract, or other similar group arrangement provided by a carrier for the purpose of providing, arranging, paying for, or reimbursing the cost of basic hospital and medical care and for major medical or other comprehensive benefit plans to persons and their dependents and which is established and in operation in the community or area where the employee's duties are usually performed. Such contracts, plans, agreements, arrangements, or policies shall meet with the approval of, or meet standards approved by, the board.

22863. When an out-of-state employee is enrolled in any plan, policy, contract, service agreement, or arrangement described in Section 22862 and elects to receive the benefits provided by this article, the State of California and the employee shall contribute and disburse a portion of the cost of providing the benefit coverage in the same amounts and in a like manner as is provided for contributions, withholdings, appropriations and payments for health benefit plans under Sections 22825, 22826, 22827, 22828, 22829, and 22841. Disbursements may be made to any person, association, corporation, insurer, or other entity responsible for providing the benefit coverage, except that the state shall make no contribution to the State Employees' Contingency Reserve Fund, for other than administrative expense, with respect to such employee and said fund shall not be available to any extent or for any purpose other than payment of costs of administration with respect to such employee or the plan, policy, contract, service agreement or arrangement in which he is enrolled under this article.

22864. When an employee receiving benefits under this article is permanently reassigned to perform his duties within the state such benefits may be continued only until the employee has had reasonable opportunity to become eligible to participate in the benefits provided by this part otherwise than by this article.

22865. From the General Fund in the State Treasury, there is appropriated monthly the state's contributions for out-of-state employees under this article for:

(a) All employees whose compensation is paid from the General Fund.

(b) All employees whose compensation is paid from funds of, or funds appropriated to, the university.

(c) All employees who are employed by the Department of Education and whose compensation is paid from the Vocational Education Fund, the Vocational Rehabilitation Fund, or any other fund received, in whole or in part, as a donation to the state under restrictions preventing its use for such contributions.

(d) All employees whose compensation is paid from the Senate Contingent Fund or Assembly Contingent Fund.

22866. From each other fund in the State Treasury, there is appropriated monthly the state's contribution required under this article for all employees whose compensation is paid from that fund, and in respect to which employees the state's contribution is not required to be made from the General Fund.

CHAPTER 1291

An act to add Section 30032 to the Education Code, relating to Stanford University.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 30032 is added to the Education Code, to read:

30032. Property held in trust for the founding, maintenance or benefit of the Leland Stanford Junior University shall be deemed to be held and used by the university exclusively for educational purposes as required by Article IX, Section 10, of the California Constitution if it constitutes part of a medical facility wherein medical students, interns, residents and fellows receive medical training or participate in medical research.

It is the intent and purpose of this section to clarify the provisions of Article IX, Section 10, of the California Constitution and to clarify the provisions of Section 30031 of this code.

SEC. 2. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1966, 1967 or 1968 on property reasonably necessary for the educational purposes of the Leland Stanford Junior University as to which the exemption provided for in Section 30031 of the Education Code 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, if an appropriate application for exemption is filed on or before the 15th day of January of the calendar year 1969.

SEC. 3. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 4. The Legislature finds that the amendments to Section 30031 of the Education Code by Assembly Bill No. 2719 of the 1959 Regular Session (Ch. 1997, Stats. 1959) have been misconstrued. In addition to the exemption provided in Section 203 of the Revenue and Taxation Code for educational institutions of collegiate grade generally, the Legislature in 1959, by special act, provided that all real property used by

the Leland Stanford Junior University for purposes which were incidental to, and reasonably necessary for, the educational functions of a complete and modern university would be exempt from taxation. The Legislature further finds that all of the property of a medical facility wherein medical students, interns, residents and fellows receive medical training or participate in medical research is reasonably necessary to the educational functions of such a university.

In order to clarify the law with respect to the exemption which has been available for the property of Leland Stanford Junior University since 1959 and in order to remove any procedural bars relative to a failure to timely file for such exemption, it has become necessary to enact additional legislation on this subject. This act will remove undue financial burdens from the Leland Stanford Junior University and, in this way, it will be able to function fully and effectively and carry out the purposes of benefit to all of California, as such public purposes have been expressed in Section 10 of Article IX of the Constitution of the State of California.

CHAPTER 1292

An act to amend Section 33670 of the Health and Safety Code, relating to the community redevelopment law, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 33670 of the Health and Safety Code is amended to read:

33670. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did

not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of the ordinance shall be used in determining the assessed valuation of the taxable property in the project on the effective date); and

(b) That portion of the levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in subdivision (a), all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When such loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) In any redevelopment project in which taxes have been divided pursuant to this section prior to 1966, located within any county with total assessed valuation subject to general property taxes for the fiscal year 1967–1968 between two billion dollars ($2,000,000,000) and two billion one hundred million dollars ($2,100,000,000), if the total assessed valuation of taxable property within the redevelopment project for the fiscal year 1967–1968 was reduced, the total sum of the assessed value of taxable property used as the basis for apportionment of taxes under subdivision (a) shall be reduced by 10 percent for the fiscal year 1968–1969 and fiscal years thereafter.

SEC. 2. The Legislature finds and declares that the adjustment in the basis for apportionment made by this act is for a public purpose in that the fair and equitable division of taxes as contemplated by Section 33670 of the Health and Safety Code prior to amendment by this act has, in some cases, been rendered unfair and inequitable because of unrelated alterations in assessment practices.

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

Because of changes in assessment practices, the assessed valuation of property within some redevelopment projects has been reduced without actual reduction in the full cash value of such

property, resulting in a substantial loss of revenue to such projects and jeopardizing the financing of such projects to the detriment of the taxpayers and taxing agencies. This act will remedy the situation and in order to accomplish that objective before irreparable damage is done, it is essential that this act take immediate effect.

CHAPTER 1293

An act to repeal Chapter 3 (commencing with Section 2800) of Part 5 and Chapter 2 (commencing with Section 4146) of Part 7 of Division 1 of, and to add Chapter 3 (commencing with Section 2801) to Part 5 and Chapter 2 (commencing with Section 4131) to Part 7 of Division 1 of, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Chapter 3 (commencing with Section 2800) of Part 5 of Division 1 of the Revenue and Taxation Code is repealed.

SEC. 2. Chapter 3 (commencing with Section 2801) is added to Part 5 of Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 3. COLLECTION OF PART OF AN ASSESSMENT

Article 1. General Provisions and Definitions

2801. It is hereby declared to be the policy of the state and the intent of this chapter to provide for:

(a) The satisfaction and removal of any lien secured to any parcel of real property appearing on the current roll.

(b) The payment of taxes on any parcel of real property separately from the whole assessment, if the parcel (1) is described in any duly executed and recorded deed, purchase contract, deed of trust, mortgage or final decree of court; or (2) has a separate valuation on the current roll.

2802. For the purposes of this chapter:

(a) Improvements are not a parcel separate from the land on which they are situated.

(b) An undivided interest is a parcel separate from the whole assessment.

(c) A lien is the amount created by the assessment of personal property, or leasehold improvements, or possessory interests; or the amount levied against property by a taxing agency or revenue district when such amount is not determined by the application of a tax rate on a valuation of property. A lien includes any special assessment bond, or installment thereof, together with interest and charges authorized and

accruing thereto. A lien also includes any charge of any nature whatsoever authorized by law to be levied against property by any taxing agency or revenue district.

Article 2. Payments

2811. Any person may apply to the tax collector to satisfy and remove any lien by paying the sum of the following:

(a) The amount computed by multiplying the assessed value of the personal property, or leasehold improvements, or possessory interests by the applicable tax rate for the current year, if the lien sought to be satisfied and removed was created by a determination of the value of personal property, or leasehold improvements, or possessory interests; or the amount of the lien of the special assessment; or the amount of any other lien authorized by law to be levied against real property.

(b) Delinquent penalties in an amount which bear the same proportion to the delinquent penalties in the whole assessment as the amount of the lien bears to the total taxes in the whole assessment.

(c) Costs computed in the same manner as provided for the computation of delinquent penalties.

2812. The amount due on the remainder of the assessment shall be the difference between the amount due on the whole assessment and the amount paid to satisfy and remove the lien.

Article 3. Applications and Computations for Separate Assessments

2821. Any person filing an affidavit of interest may apply to the tax collector to have any parcel separately valued on the current roll for the purpose of paying taxes.

The application shall be made during the current fiscal year, and shall set forth the fact that a duly executed and recorded deed, purchase contract, deed of trust, mortgage, or final decree of court describes the parcel sought to be separately valued.

The application may request that the tax created by the assessment of personal property, or leasehold improvements, or possessory interests on the whole assessment be allowed to remain as a lien on the parcel sought to be separately valued.

If any lien not determined by the application of a tax rate on a valuation of property has been levied or placed on the whole assessment, the application may be accompanied by the certification of the taxing agency or revenue district authorized by law to levy or place the lien, setting forth the specific amount of that portion of the lien levied or placed on the whole assessment which is to continue to be levied or placed on the parcel sought to be separately valued.

2822. When the application is made for the purpose of paying the tax on an undivided interest, the tax collector shall accept an amount which bears the same proportion to the tax as the undivided interest bears to the interest as assessed, but

no more than four acceptances of payment of undivided interests in a whole assessment shall be made under this section.

In all other cases the tax collector shall transmit the application for separate valuation to the assessor.

2823. The county assessor shall determine a separate valuation on the parcel, and shall determine the valuation of the remaining parcel. The sum of the valuations of the parcels shall equal their total valuation before separation

A separate valuation shall not be made of any parcel covered by a subdivision map filed for record after the next preceding lien date.

A separate valuation shall not be made dividing any piece of property separately assessed in the original assessment into more than four parcels.

If the application requested that the tax created by the assessment of personal property, or leasehold improvements, or possessory interests be allowed to remain as a lien on the parcel sought to be separately valued, and the assessor determines that the value of the parcel is sufficient to secure the payment of the tax, the assessor shall set forth the value of such personal property, or leasehold improvements, or possessory interests opposite his determination of the value of the parcel.

2824. The assessor shall transmit the application to the auditor, who shall enter the descriptions and the valuations of the parcels on the roll, and shall compute the amount due thereon.

2825. If the assessor has set forth the value of personal property, or leasehold improvements, or possessory interests opposite his determination of the value of the parcel, the amount due on the parcel is the sum of the following:

(a) That amount computed by multiplying the assessed value of the parcel by the applicable tax rate for the current year.

(b) That amount set forth in the certification of the taxing agency or revenue district as being the portion of the lien which is to continue to be levied or placed on the parcel.

(c) Delinquent penalties in an amount which bears the same proportion to the delinquent penalties in the whole assessment as the amount of taxes and liens on the parcel bears to the total amount of taxes and liens levied against the whole assessment.

(d) Costs computed in the same manner provided for the computation of delinquent penalties.

2826. If the assessor has not set forth the value of personal property, or leasehold improvements, or possessory interests opposite his determination of the value of the parcel, the amount due on the parcel is the sum of the following:

(a) The amount computed by multiplying the assessed value of the parcel by the applicable tax rate for the current year.

(b) That amount of the tax on personal property, or leasehold improvements, or possessory interests computed by multiplying the assessed value by the applicable tax rate for the

current year, which bears the same proportion as the value of the parcel bears to the value of the whole assessment excepting the value of such personal property, leasehold improvements, or possessory interests.

(c) The amount set forth in the certification of the taxing agency or revenue district as being the portion of the lien which is to continue to be levied or placed on the parcel.

(d) Delinquent penalties in an amount which bears the same proportion to the delinquent penalties in the whole assessment as the amount which is the sum of the amounts determined in (a) and in (b) and in (c) above bears to the total amount of taxes and liens levied against the whole assessment.

(e) Costs computed in the same manner as provided for the computation of delinquent penalties.

2827. The amount due on the remaining parcel shall be the difference between the amount due on the whole assessment and the amount due on the parcel separately assessed.

SEC. 3. Chapter 2 (commencing with Section 4146) of Part 7 of Division 1 of the Revenue and Taxation Code is repealed.

SEC. 4. Chapter 2 (commencing with Section 4131) is added to Part 7 of Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 2. REDEMPTION OF PART OF ASSESSMENT

Article 1. General Provisions and Definitions

4131. It is hereby declared to be the policy of the state and the intent of this chapter to provide for:

(a) The satisfaction and removal of any lien secured to any parcel of tax-sold property, and if the right of redemption has not been terminated, to any parcel of tax-deeded property.

(b) The redemption of any parcel of tax-sold property and, if the right of redemption has not been terminated, any parcel of tax-deeded property, separately from the whole parcel which was originally sold to the state, if the parcel sought to be redeemed (1) is described in any duly executed and recorded deed, purchase contract, deed of trust, mortgage, or final decree of court; (2) had a separate valuation on the roll of the year for which it was sold to the state; or (3) has a separate valuation on the current roll.

4132. For the purposes of this chapter:

(a) Improvements are not a parcel separate from the land on which they are situated.

(b) An undivided interest is a parcel separate from the whole assessment.

(c) A lien is the amount created by the assessment of personal property, or leasehold improvements, or possessory interests; or the amount levied against property by a taxing agency or revenue district when such amount is not determined by the application of a tax rate on a valuation of property. A lien includes any special assessment bond, or installment thereof, together with interest and charges author-

ized and accruing thereto. A lien also includes any charge of any nature whatsoever authorized by law to be levied against property by any taxing agency or revenue district.

Article 2. Payments

4141. Any person may apply to the redemption officer to satisfy and remove any lien by paying the sum of the following:

(a) The sum of the amounts computed by multiplying the assessed value of the personal property, or leasehold improvements, or possessory interests by the applicable tax rate for each of the years for which it was delinquent, if the lien sought to be removed was created by a determination of the value of personal property, or leasehold improvements, or possessory interests; or the sum of the amounts of the lien of the special assessment for each of the years for which it was delinquent; or the sum of the amounts of any other lien authorized by law to be levied against real property for each of the years for which is was delinquent.

(b) Delinquent penalties in an amount which bear the same proportion to the delinquent penalties in the whole assessment as the amount of the lien bears to the total taxes levied in the whole assessment for each of the years for which it was delinquent.

(c) Costs computed in the same manner as provided for the computation of delinquent penalties.

(d) Redemption penalties computed on the amount of the lien for each of the years for which it was delinquent.

(e) The redemption fee provided for in this part, if the payment of the lien satisfies and removes all taxes levied against the parcel.

4142. Where delinquent taxes are being paid in installments, and a lien is sought to be satisfied and removed under this chapter, there shall be credited on the amount required to satisfy and remove the lien an amount which bears the same proportion to the amount which has been paid in installments on the whole assessment as the amount required to satisfy and remove the lien, excepting the redemption fee, bears to the amount necessary to redeem the whole assessment, excepting the redemption fee.

Article 3. Applications and Computations

4151. Any person filing an affidavit of interest may apply to the redemption officer to have any parcel separately valued in order that it may be redeemed under the provisions of this chapter. The redemption officer may file an application to have any parcel separately valued when such application is based on the fact that the parcel sought to be separately valued is separately assessed on the current roll.

The application shall set forth the fact that a duly executed and recorded deed, purchase contract, deed of trust, mort-

gage, or final decree of court describes the parcel sought to be separately valued.

The application may request that the tax created by the assessment of personal property, or leasehold improvements, or possessory interests on the whole assessment for each of the years for which it was delinquent be allowed to remain as a lien on the parcel sought to be separately valued.

If any lien not determined by the application of a tax rate on a valuation of property has been levied or placed on the whole assessment, the application may be accompanied by the certification of the taxing agency or revenue district authorized by law to levy or place the lien, setting forth the specific amount of that portion of the lien levied or placed on the whole assessment which is to continue to be levied or placed on the parcel sought to be separately valued for each of the years for which it was delinquent.

4152. When the application is made for the purpose of paying the tax on an undivided interest, the redemption officer shall accept an amount which bears the same proportion to the tax as the undivided interest bears to the interest as assessed.

In all other cases the redemption officer shall transmit the application for separate valuation to the assessor.

4153. The county assessor shall determine a separate valuation on the parcel for each of the years for which it was delinquent, and shall determine the valuation of the remaining parcel for each of the years for which it was delinquent. The sum of the valuations of the parcels shall equal their total valuation before separation.

If the application requested that the tax created by the assessment of personal property, or leasehold improvements, or possessory interests be allowed to remain as a lien on the parcel sought to be separately valued, and the assessor determines that the value of the parcel is sufficient to secure the payment of the tax, the assessor shall set forth the value of such personal property, or leasehold improvements, or possessory interest, for each of the years for which it was delinquent, opposite his determination of the value of the parcel.

4154. If the assessor has set forth the value of personal property, or leasehold improvements, or possessory interests opposite his determination of the value of the parcel, the amount of sold taxes on the parcel is the sum of the following:

(a) The sum of the amounts computed by multiplying the assessed value of the parcel by the applicable tax rate for each of the years for which it was delinquent.

(b) The sum of the amounts set forth in the certification of the taxing agency or revenue district as being the portion of the lien for each of the years for which it was delinquent which is to continue to be levied or placed on the parcel.

4155. If the assessor has not set forth the value of personal property, or leasehold improvements, or possessory interests opposite his determination of the value of the parcel,

the amount of sold taxes on the parcel is the sum of the following:

(a) The sum of the amounts computed by multiplying the assessed value of the parcel by the applicable tax rate for each of the years for which it was delinquent.

(b) The sum of those amounts of tax on personal property, or leasehold improvements, or possessory interests computed by multiplying the assessed value by the applicable tax rate for each of the years for which it was delinquent, which bears the same proportion as the value of the parcel bears to the value of the whole assessment excepting the value of personal property, leasehold improvements, and possessory interests for each of the years for which it was delinquent.

(c) The sum of the amounts set forth in the certification of the taxing agency or revenue district as being the portion of the lien for each of the years for which it was delinquent which is to continue to be levied or placed on the parcel.

4156. The amount necessary to redeem the parcel is the sum of the following:

(a) The amount of sold taxes on the parcel.

(b) Delinquent penalties in an amount which bear the same proportion to the delinquent penalties in the whole assessment as the amount of taxes and liens on the parcel bears to the total amount of taxes and liens on the whole assessment, determined for each of the years for which it was delinquent.

(c) Costs computed in the same manner provided for the computation of delinquent penalties.

(d) Redemption penalties computed on the amount of taxes and liens levied against the parcel for each of the years for which it was delinquent.

(e) The redemption fee provided for in this part.

4157. The amount necessary to redeem the remaining parcel is the sum of the following:

(a) The amount of sold taxes on the whole assessment less the amount of sold taxes on the parcel separately valued.

(b) Delinquent penalties on the whole assessment less the amount of delinquent penalties on the parcel separately valued.

(c) Costs on the whole assessment less the amount of costs on the parcel separately valued.

(d) Redemption penalties computed on the amount of taxes and liens remaining on the parcel for each of the years for which it was delinquent.

(e) The redemption fee provided for in this part.

4158. Where delinquent taxes are being paid in installments, and a parcel is separately redeemed under this chapter, there shall be credited on the amount necessary to redeem the parcel an amount which bears the same proportion to the total amount which has been paid in installments on the whole parcel as the redemption amount less the redemption fee on the parcel bears to the redemption amount less the redemption fee on the whole parcel.

4159. In all other respects, the redemption shall be made in the ordinary manner.

SEC. 5. In enacting this act and specifically in adding Sections 2822 and 4152 to the Revenue and Taxation Code, it is the intent of the Legislature to expressly disapprove any interpretation of Smith v. Anderson (1967), 67 A.C. 646, 63 Cal. Rptr. 391, which would require an assessor to make separate valuation in the assessment roll for current taxes or future taxes of any undivided interest in property on which a separate tax bill or separate redemption is requested.

CHAPTER 1294

An act to amend Section 1261 of the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 1261 of the Business and Professions Code is amended to read:

1261. The board shall issue a clinical laboratory technologist's license to each person found by it to be properly qualified and it shall hold written, oral, or practical examinations to aid it in judging the qualifications of applicants. The examinations for license to work in a clinical laboratory as a technologist shall cover the fields of biochemistry, hematology, and microbiology, except that the examination for a special clinical laboratory technologist's license shall be concerned only with the subject or subjects in which the license is to be issued. The minimum prerequisites for entrance into the examination shall be one of the following:

(a) Graduation from a college or university maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western Association of Schools and Colleges or an essentially equivalent accrediting agency with a baccalaureate and a major in clinical laboratory technique, the last year of which course shall have been primarily clinical laboratory procedure; provided, however, that if the curriculum did not include practical clinical laboratory work, six months as a clinical laboratory technologist trainee or the equivalent as determined by the department in a clinical laboratory approved by the department shall be required; or

(b) Graduation from a college or university maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western Association of Schools and Colleges, or an essentially equivalent accrediting agency, with a baccalaureate and a major in one of the biological sciences or essential equivalent as may be determined

by the department plus one year as a clinical laboratory technologist trainee or the equivalent as determined by the department in a clinical laboratory approved by the department. One year of practical experience in a public health laboratory may be accepted if such experience or if university or college courses included practical work in clinical biochemistry and hematology; or

(c) A minimum of three years of experience as a clinical laboratory technologist trainee or the equivalent as determined by the department doing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the department and 60 semester hours or equivalent quarter hours of university or college work in which are included the following courses, or essential equivalent as may be determined by the department; general inorganic chemistry—8; quantitative analysis—3; basic biological science—8; bacteriology—4. Additional college or university work which includes courses in the fundamental sciences may be substituted for two of the three years of experience in the ratio of 30 semester hours or equivalent quarter hours for each year of experience; provided, however, that individuals seeking admission to the examination on or after January 1, 1965, shall meet the prerequisites specified in subdivisions (a) or (b) of this section, or the prerequisites as set forth by the Council of Medical Education and Hospitals of the American Medical Association and the Board of Registry of Medical Technologists of the American Society of Clinical Pathologists, and the American Society of Medical Technologists, or equivalent accreditation body approved by the Department of Public Health, provided, however, that the total or combined time of college or university work and practical training and experience in an approved clinical laboratory be not less than five years or as specified in subdivision (a).

Experience as a clinical technician in any branch of the armed forces of the United States may be considered equivalent to the experience as a clinical laboratory technologist trainee, if such experience as a technician is approved by the board. Each year of training and experience as a clinical technician in such armed forces shall be equivalent to 15 semester hours, which shall be credited to the minimum number of hours required to qualify for registration as a clinical laboratory technologist trainee. The semester hours acquired in this manner shall not be in organic chemistry, quantitative analysis, basic biological science, and bacteriology, unless these courses have been completed at a college, university, or institution maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western College Association or an essentially equivalent accrediting agency. The maximum number of hours granted shall not exceed 60 semester hours or its equivalent.

An applicant whose application is based upon a certificate issued by such certifying board or body shall satisfy the de-

partment that the standard of the certifying board on the date that the certificate was issued was in no degree or particular less than that which was required for a technologist license under this chapter on or after January 1, 1962.

CHAPTER 1295

An act to amend Section 13470 of the Education Code, relating to bereavement leave of absence.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 13470 of the Education Code is amended to read:

13470. Every person employed by a school district in a position requiring certification qualifications is entitled to a 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.

CHAPTER 1296

An act relating to a study of the effects of marijuana use.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. There is hereby appropriated to the University of California from the General Fund the sum of forty thousand dollars ($40,000) for purposes of designing and implementing a research program related to the effects of marijuana use. Such research shall consider marijuana usage in all pertinent research perspectives, including, but not limited to, pharmacology, physiology, psychology, and sociology. The University of California shall provide the Legislature with a report of any

findings and conclusions or research progress to date before June 30, 1969.

The moneys appropriated herein shall be available for expenditure on and after January 1, 1969, but only if the University of California applies for, but is not in receipt of, federal funds for similar research purposes.

CHAPTER 1297

An act to add Section 54952.3 to the Government Code, relating to meetings of local agencies.

[Approved by Governor August 13, 1968 Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 54952.3 is added to the Government Code, to read:

54952.3. As used in this chapter "legislative body" also includes any advisory commission, advisory committee or advisory body of a local agency, created by charter, ordinance, resolution, or by any similar formal action of a governing body of a local agency.

Meetings of such advisory commissions, committees or bodies concerning subjects which do not require an examination of facts and data outside the territory of the local agency shall be held within the territory of the local agency and shall be open and public, and notice thereof must be delivered personally or by mail at least 24 hours before the time of such meeting to each person who has requested, in writing, notice of such meeting.

If the advisory commission, committee or body elects to provide for the holding of regular meetings, it shall provide by bylaws, or by whatever other rule is utilized by that advisory body for the conduct of its business, for the time and place for holding such regular meetings. No other notice of regular meetings is required.

"Legislative body" as defined in this section does not include a committee composed solely of members of the governing body of a local agency which are less than a quorum of such governing body.

The provisions of Sections 54954, 54955, 54955.1, and 54956 shall not apply to meetings under this section.

CHAPTER 1298

An act to amend Section 1192.1 of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 1192.1 of the Code of Civil Procedure is amended to read:

1192.1. (a) Any materialman or person furnishing materials, provisions, provender, or other supplies used in, upon, for, or about the performance of work contracted to be executed or performed to which Chapter 3 of Division 5, Title 1 of the Government Code applies, except the prime contractor, or any person, excluding the prime contractor, renting or hiring teams or implements or machinery for or contributing to the work to be done, or any person, except the prime contractor, who performed work or labor upon the same or any person, except the prime contractor, who supplies both work and materials, and whose claim has not been paid by the contractor or person to whom the contract has been awarded, or by the subcontractors of the contractor or person, may at any time, after he has furnished material or ceased to perform labor, or both, and before the expiration of the periods within which claims of lien must be filed for record as prescribed by this section or by Section 1193 1, file with the public agency, body or officer by whom the contract was awarded, or with the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract a verified statement of such claims, together with a statement that the same have not been paid. No later than 10 days after the filing of a notice of completion or after the cessation of labor has been deemed a completion of the contract, structure, or work of improvement or after the acceptance of completion, whichever is later, the public agency, body, or officer by whom the contract was awarded shall give notice of such cessation of labor or completion to every such claimant by personal service, or registered or certified mail. When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail in a United States post office, addressed to the claimant at the address shown upon his claim. No such notice need be given unless a claimant shall have paid to the public agency, body, or officer the sum of two dollars ($2) at the time of filing a verified statement of claims.

(b) Except as to contracts awarded under the State Contract Act, Chapter 3 Part 5, Division 3, Title 2 of the Government Code, a cessation of labor on any work of improvement at any time after the commencement thereof, for a continuous period of 30 days or more, shall be deemed a completion of

the contract, structure, or work of improvement. Within 10 days after the acceptance of completion by resolution, minute order or other official act of the awarding authority or by any officer or employee to whom the awarding authority has delegated appropriate authority of any contract, structure, or work of improvement to which Chapter 3 of Division 5, Title 1 of the Government Code applies, the state, or any public board, commission, or officer thereof, or any political subdivision thereof, may file for record in the office of the county recorder of the county or counties where the property is situated a notice setting forth the date when the project was accepted or on which cessation from labor occurred, together with the name of the state or such public board, commission, or officer thereof, or such political subdivision thereof, and a description of the property or public work or structure sufficient for identification, and the name of the contractor or contractors, and the names of the sureties, if any. The notice shall be verified by some officer of the state or some member of such board, commission, or officer thereof, or of such political subdivision thereof. If the notice is not so filed, the failure to do so has the same effect as is provided in Section 1193.1 with reference to the "owner." In the case of any contract awarded under the provisions of the State Contract Act, such notice of completion, if filed, shall be filed within 10 days after acceptance of the project, and as to such contracts, verified statements of claims may be filed at any time after the claimant has furnished materials or ceased to perform labor, or both, and before the expiration of 30 days from the filing for record of such notice, or if such notice is not so filed, before the expiration of 90 days after the acceptance of the project.

(c) Actions against the state, public board, commission, or officer thereof, or the political subdivision of the state, or the disbursing officer whose duty it is to make payments under the provisions of the contract for the public improvement in question, brought by any claimant who has filed claim under this section, or his assign, shall be governed by the provisions of Sections 1190.1 and 1197.1 and the verified notice provided for in those sections is equivalent for all purposes to the verified claim provided for herein.

(d) No assignment by the contractor of the whole or any part of the money due him or to be due him under the contract, or for "extras" in connection therewith, whether made before a verified claim is filed as provided for herein or after the claim is filed, takes priority over claims filed under this section and such assignment has no binding force insofar as the rights of the claimants who file claims hereunder, or their assigns, are concerned.

(e) This section does not prohibit the payment of any money to the contractor or his assigns, so long as no verified claim is on file before the disbursing officer has actually surrendered possession of the warrant, checks, bonds, or money or the payment to the contractor or his assigns of any money

due him or his assigns over and above the total amount of the claims filed at that time plus such interest and court costs as might be reasonably anticipated in connection with the claims.

(f) If the contractor, subcontractor, or other person against whom any claim is filed as provided in this section disputes the correctness or validity of any claim so filed, the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract or the commissioner, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom the contract for the improvement was awarded, in its or his discretion, may permit the contractor to whom the contract was awarded to deliver to such board, commission, or officer a bond executed by some corporation authorized to issue surety bonds in the State of California, in a penal sum equal to one and one-quarter times the amount of the claim, which bond shall guarantee the payment of any sum which the claimant may recover on the claim together with his costs of suit in the action, if he recovers therein. Upon the filing of the bond by and with the consent of such board, commission or officer, then such board, commission or officer shall not withhold any moneys from the contractor on account of the claim. The sureties upon the bond are jointly and severally liable to the claimant with the sureties upon the contractor's bond given in accordance with Chapter 3 of Division 5, Title 1 of the Government Code.

SEC. 2. This act shall become operative on January 1, 1970

CHAPTER 1299

An act to add Section 707.5 to the Probate Code, to add Sections 6487.1, 7675.1, 8782.1, 9881.1, 30207.1, and 32272.1 to the Revenue and Taxation Code, to amend Section 1090 of the Unemployment Insurance Code, and to add Section 7277.1 to the Welfare and Institutions Code, relating to claims against estates.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 707.5 is added to the Probate Code, to read:

707.5. (a) Except as provided in subdivision (b), all claims by any public entity, as defined in Section 811.2 of the Government Code, must be filed or presented within the time limited in the notice or as extended by the provisions of Sections 702 and 709 of this code, and any such claim not so filed or presented is barred forever, including any lien which has been, or may be, imposed for such claim.

(b) Claims arising under the laws or codes listed below shall be barred only after written request to the agency and expiration of the period provided for in the applicable section of the law or code listed below. If no written request is made the claims shall be barred at the time otherwise specified in such laws or codes.

Law or Code	Applicable Section
Sales and Use Tax Law (commencing with Section 6001 of the Revenue and Taxation Code)	Section 6487.1 of the Revenue and Taxation Code
Bradley-Burns Uniform Local Sales and Use Tax Law (commencing with Section 7200 of the Revenue and Taxation Code)	Section 6487.1 of the Revenue and Taxation Code
Motor Vehicle Fuel License Tax Law (commencing with Section 7301 of the Revenue and Taxation Code)	Section 7675.1 of the Revenue and Taxation Code
Use Fuel Tax Law (commencing with Section 8601 of the Revenue and Taxation Code)	Section 8782.1 of the Revenue and Taxation Code
Motor Vehicle Transportation License Tax Law (commencing with Section 9601 of the Revenue and Taxation Code)	Section 9881.1 of the Revenue and Taxation Code
Personal Income Tax Law (commencing with Section 17001 of the Revenue and Taxation Code)	Section 19266 of the Revenue and Taxation Code
Cigarette Tax Law (commencing with Section 30001 of the Revenue and Taxation Code)	Section 30207.1 of the Revenue and Taxation Code
Alcoholic Beverage Tax Law (commencing with Section 32001 of the Revenue and Taxation Code)	Section 32272.1 of the Revenue and Taxation Code
Unemployment Insurance Code	Section 1090 of the Unemployment Insurance Code
Welfare and Institutions Code	Section 7277.1 of the Welfare and Institutions Code

(c) For the purposes of this section, a claim includes, but is not limited to, a claim for payment of taxes, but this section shall not apply to claims for property taxes, special assessments, assessments, gift taxes, or inheritance taxes.

(d) Nothing in this section shall be construed to affect the order of priorities of claims provided for under other provisions of law.

(e) This section shall not apply to liability for the restitution of amounts illegally acquired through the means of any fraudulent, false, or incorrect claim or representation, or any forged or unauthorized endorsement.

SEC. 2. Section 6487.1 is added to the Revenue and Taxation Code, to read:

6487.1. In the case of a deficiency arising under this part during the lifetime of a decedent, a notice of deficiency determination shall be mailed within four months after written request therefor, in the form required by the board, by the fiduciary of the estate or trust or by any other person liable for the tax or any portion thereof.

SEC. 3. Section 7675.1 is added to the Revenue and Taxation Code, to read:

7675.1 In the case of a deficiency arising under this part during the lifetime of a decedent, a notice of deficiency determination shall be mailed within four months after written request therefor, in the form required by the board, by the fiduciary of the estate or trust or by any other person liable for the tax or any portion thereof.

SEC. 4. Section 8782.1 is added to the Revenue and Taxation Code, to read:

8782.1. In the case of a deficiency arising under this part during the lifetime of a decedent, a notice of deficiency determination shall be mailed within four months after written request therefor, in the form required by the board, by the fiduciary of the estate or trust or by any other person liable for the tax or any portion thereof.

SEC. 5. Section 9881.1 is added to the Revenue and Taxation Code, to read:

9881.1. In the case of a deficiency arising under this part during the lifetime of a decedent, a notice of deficiency determination shall be mailed within four months after written request therefor, in the form required by the board, by the fiduciary of the estate or trust or by any other person liable for the tax or any portion thereof.

SEC. 6. Section 30207.1 is added to the Revenue and Taxation Code, to read:

30207.1. In the case of a deficiency arising under this part during the lifetime of a decedent, a notice of deficiency determination shall be mailed within four months after written request therefor, in the form required by the board, by the fiduciary of the estate or trust or by any other person liable for the tax or any portion thereof.

SEC. 7. Section 32272.1 is added to the Revenue and Taxation Code, to read:

32272.1. In the case of a deficiency arising under this part during the lifetime of a decedent, a notice of deficiency determination shall be mailed within four months after written request therefor, in the form required by the board, by the fiduciary of the estate or trust or by any other person liable for the tax or any portion thereof.

SEC. 8. Section 1090 of the Unemployment Insurance Code is amended to read:

1090. (a) Every assignee, receiver, trustee in bankruptcy, or other representative of an insolvent employing unit, and every administrator or executor of the estate of a deceased employing unit, shall within 30 days after assuming office send notice in writing of the name and address of the employing unit, his own name and address, and such other information as may be required by the director.

(b) Within four months after the mailing of the notice required of every administrator or executor of the estate of a deceased employing unit under subdivision (a), the director shall file or present his claim for contributions, penalty, and interest based upon wages paid by the employing unit during his lifetime. The administrator or executor of the estate of a deceased employing unit shall succeed to all the rights and obligations of the deceased employing unit under this division.

SEC. 9. Section 7277.1 is added to the Welfare and Institutions Code, to read:

7277.1. In the case of liability for care arising under Section 7275 during the lifetime of a decedent, where the decedent, or his spouse, father, mother, or child, has been a patient in a state hospital preceding the date of decedent's death, a claim for costs and charges shall be mailed within four months after written request therefor, in the form required by the department, by the fiduciary of the estate or trust or by any other person liable for the claim or any portion thereof.

CHAPTER 1300

An act to amend Section 1305 of the Penal Code, relating to forfeiture of bail.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 1305 of the Penal Code is amended to read:

1305. If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully re-

quired, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes and the undertaking of bail, or the money deposited instead of bail, as the case may be, must thereupon be declared forfeited, and, if the amount of the forfeiture exceeds fifty dollars ($50), the clerk of the court shall, promptly upon entering the fact of such failure to appear in the minutes, mail notice of the forfeiture to the surety on the bond or depositor of money instead of a bond, and shall execute an affidavit of such mailing and place it in the court's file in the case. If the surety is an authorized corporate surety insurer, and if the bond has plainly printed or stamped thereon the address of its principal office in California, such notice shall be mailed to such surety at such address, and mailing to the bail agent or solicitor who posted said bond shall not constitute compliance with this section; the clerk shall at the same time send a copy of such notice to the bail agent or solicitor who posted said bond. If the clerk fails to mail such notice within 30 days after such entry, the surety or depositor shall be released from all obligations under the bond. But if at any time within 180 days after such entry in the minutes or, if mailing of notice of forfeiture is required, within 180 days after mailing such notice of forfeiture, the defendant and his bail appear, and satisfactorily excuse the defendant's neglect or show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within said 180 days after such entry in the minutes or mailing as the case may be, it be made to appear to the satisfaction of the court that the defendant is dead or is physically unable, by reason of illness or insanity, or by reason of detention by civil or military authorities, to appear in court at any time during said 180 days, and that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If at any time within said 180 days after such entry in the minutes or mailing as the case may be, the surety insurer, its bail agent, the surety, or depositor of money instead of a bond should surrender the defendant to the court or to custody, then, upon seven days' written notice to the district attorney or representative of the people by the bail agent of the surety insurer, such surety, or such depositor, any of whom may give such notice and appear either in person or by attorney, or by the surety insurer, through its attorney, the court shall direct such fact to be entered upon its minutes and the forfeiture of the undertaking or the deposit shall be discharged upon such terms as may be just.

CHAPTER 1301

An act to amend Section 15518 of the Education Code, relating to school buildings.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 15518 of the Education Code is amended to read:

15518. The governing board of a school district may undertake corrective measures relating to earthquake safety recommended to the governing board pursuant to Section 15503 in connection with any school building under the jurisdiction of the governing board without compliance with the procedures otherwise prescribed by Section 15505.

The maximum rate of tax of any school district for any school year is hereby increased by such amount as will produce the amount necessary to have any school buildings examined as required by Section 15503 and to effect the corrective structural repairs, reconstruction or replacement relating to earthquake safety recommended pursuant to Section 15503, as shown by the budget of the district for such school year as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from revenue from the increase in the rate of tax provided by this section.

The increase provided by this section and Section 15517 shall not exceed a total increase of ten cents ($0.10) for each one hundred dollars ($100) of the assessed valuation of property within the district in each fiscal year.

If at the end of any school year, there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for expenditures of the school district during that school year for purposes of this section.

This section shall remain in effect only until July 1, 1970, and thereafter shall be of no force or effect. This section shall remain in effect until such date regardless of the repeal or expiration of Section 15517.

Notwithstanding the provisions of this section, the governing board shall comply with the provisions of Section 15505 whenever such compliance is necessary to continue the program of corrective structural repairs, reconstruction, or replacement required pursuant to the provisions of this article.

CHAPTER 1302

An act to amend Sections 21243.5, 21680, 21681, 21682, 21683, 21684, 21685, 21686, and 21690.1 of the Public Utilities Code, relating to airports.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 21243.5 of the Public Utilities Code is amended to read:

21243.5. The division may make and amend general or special rules, regulations, and procedures, and establish minimum standards, with respect to parachute jumps, in order to promote safety in aeronautics. All rules and regulations of the division pertaining to parachute jumps, promulgated prior to the effective date of this section and in effect on such date, are hereby confirmed, validated, and declared legally effective. The board may fix reasonable fees to be charged by the division for the issuance of any licenses or permits required by such rules or regulations in such amounts as may be necessary to defray the administrative costs relating thereto.

SEC. 1.5. Section 21680 of the Public Utilities Code is amended to read:

21680. The Airport Assistance Revolving Fund is hereby continued in the State Treasury. The moneys in the fund are continuously appropriated for expenditure by the division as provided in this article. As used in this article, public entity includes cities, counties, airport districts, port districts, port authorities, and all other public districts, public authorities, public agencies, political subdivisions or public corporations in the state.

SEC. 2. Section 21681 of the Public Utilities Code is amended to read:

21681. Out of the fund, the sum of fifteen thousand dollars ($15,000) per year shall first be available to the division for expenditure in aiding and assisting public entities and the University of California in the administration and expenditure of funds received pursuant to this article. Payments made pursuant to this section shall be made prior to payments pursuant to Section 21682.

SEC. 3. Section 21682 of the Public Utilities Code is amended to read:

21682. (a) The division shall, subject to the provisions of Section 21683, pay from the fund to each public entity owning and operating an airport or airports under a valid permit issued by the division or its successor the sum of two thousand five hundred dollars ($2,500) annually for each such airport, to be expended solely for airport and aviation purposes.

(b) The division shall, subject to the provisions of Section 21683, pay from the fund to the University of California the

sum of two thousand five hundred dollars ($2,500) annually for each airport, used by the general public and owned and operated by the university under a valid permit issued by the division, to be expended solely for the airport and for aviation purposes related to such airport.

(c) If, in any year, there is insufficient money in the fund to make the payments specified in subdivisions (a), (b), and (c) the division shall, subject to the provisions of Section 21683, pay to each such public entity and to the University of California an amount which is equal to the total amount of money in the fund, less the payment to the division specified in Section 21681, multiplied by a percentage equivalent to the proportion which the airport or airports of the public entity or university for which payment is required to be made pursuant to subdivisions (a), (b), and (c) bear to the total number of airports for which payment is required to be made pursuant to subdivisions (a), (b), and (c).

SEC. 4. Section 21683 of the Public Utilities Code is amended to read:

21683. (a) No payment shall be made to a public entity pursuant to Section 21682 unless the public entity has established a special aviation fund and deposits in such fund each year, for expenditure solely for airport and aviation purposes, a sum at least equal to the amount to be paid by the division pursuant to Section 21682. Payments received by a public entity shall be deposited in its special aviation fund.

(b) No payment shall be made for any airport to the University of California pursuant to Section 21682 unless the university has established a special aviation fund and unless a city located within 10 miles of the airport or the county within which the airport is located pays to the university a sum at least equal to the amount to be paid by the division pursuant to Section 21682. The payments received from a city or county pursuant to this section are to be expended solely for the airport and for aviation purposes related to such airport. Payments received by the university shall be deposited in its special aviation fund.

(c) Allocated and matching funds under this program may be accrued for a period of not more than three years. Extension of time for accrual of these funds for major projects must be obtained from the Division of Aeronautics.

(d) Payments made to public entities from the Airport Assistance Fund and matching funds must be expended upon the airport for which funds are requested. If a public entity owns more than one airport, allocated and matching funds for other airports cannot be expended or accrued for expenditure on one selected airport, provided, however, that the division may grant a waiver of the provisions of this subdivision in extenuating circumstances.

(e) No allocation shall be made to any public entity or to the University of California from the Airport Assistance Re-

volving Fund for expenditure upon any airport which is not open to use by the general public.

SEC. 5. Section 21684 of the Public Utilities Code is amended to read:

21684. Any remaining balance in the fund, after making the payment provided for by Section 21682, shall be expended by the division in making allocations, pursuant to Section 21685, to public entities and the University of California for the acquisition and development of airports.

The division shall establish, by rules and regulations, policies and standards to be followed in making allocations so as to further the proper development and maintenance of a statewide system of airports.

SEC. 6. Section 21685 of the Public Utilities Code is amended to read:

21685 Any public entity and the University of California may apply to the Division of Aeronautics during the first six months of the year for the allocation of funds for the acquisition and development of airports The Division of Aeronautics may make an allocation to a public entity and the University of California if it determines that the proposed acquisition and development is feasible and in accordance with the policies and standards established by the Division of Aeronautics.

No allocation shall be made to a public entity unless it has established a special aviation fund and has deposited in such fund, for expenditure solely for acquisition and development of airports, a sum at least equal to the allocation which the Division of Aeronautics is to make. All moneys received by a public entity pursuant to this section shall be deposited in its special aviation fund and shall be expended solely for the acquisition and development of airports. No money allocated under Section 21684 or money appropriated by the public entity for matching this allocation shall be expended for operation or maintenance of an airport.

No allocation shall be made to the University of California unless it has established a special aviation fund and unless a city located within 10 miles of the airport to be acquired or developed or the county in which the airport to be acquired or developed is located pays to the university a sum at least equal to allocation the division is to make. All moneys received by the university pursuant to this section shall be deposited in its special aviation fund and shall be expended solely for the acquisition and development of airports to be used by the general public. No money allocated under Section 21684 or money paid by a city or county for matching this allocation shall be expended for operation or maintenance of an airport.

No allocation shall be made to any public entity or to the University of California from the Airport Assistance Revolving Fund for expenditure upon any airport which is not open to use by the general public.

SEC. 7. Section 21686 of the Public Utilities Code is amended to read:

21686. Any public entity may pay any part of the money in its special aviation fund to a state college or branch of the University of California located within its boundaries to be expended for the same purposes as the public entity may expend such money. Any money paid to a state college or branch of the University of California shall be expended within the public entity paying the money.

SEC. 8. 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 Fund, ceases to be used as an airport open to the general public for a period in excess of one year, the public entity to which such payments were made shall pay to the state, which payments shall be deposited in the Airport Assistance Fund, an amount computed by the division. The amount shall equal the total of all payments made for such airport from the Airport Assistance 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.

CHAPTER 1303

An act to add Sections 345, 4019, 21115, 21716, and 24001.5 to the Vehicle Code, relating to vehicles.

[Approved by Governor August 13, 1968 Filed with Secretary of State August 13, 1968]

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

SECTION 1. Section 345 is added to the Vehicle Code, to read:

345. A "golf cart" is a motor vehicle having not less than three wheels in contact with the ground, having an unladen weight less than 1,300 pounds, which is designed to be and is operated at not more than 15 miles per hour and designed to carry golf equipment and not more than two persons, including the driver.

SEC. 2. Section 4019 is added to the Vehicle Code, to read:

4019. A golf cart operated pursuant to Section 21115 is exempt from registration.

SEC. 3. Section 21115 is added to the Vehicle Code, to read:

21115. If a local authority finds that a highway under its jurisdiction adjacent to a golf course is designed and constructed, so as to safely permit the use thereof of regular vehicular traffic and also the driving of golf carts thereon between the golf course and the place where such golf carts are parked or stored, the local authority may by resolution or ordinance designate such highway or portion thereof for such combined use and prescribe rules and regulations therefor which shall have the force of law. No such highway shall be so designated for a distance of more than one-half mile from the golf course, provided, the finding of the local authority in this respect shall be conclusive. Upon such designation becoming effective it shall be lawful to drive golf carts upon such highway in accordance with the rules and regulations prescribed as aforesaid.

The rules and regulations shall not be effective until appropriate signs giving notice thereof are posted along the highways affected.

SEC. 4. Section 21716 is added to the Vehicle Code, to read:

21716. No person shall operate a golf cart on any highway except in a speed zone of 25 miles per hour or less.

SEC. 5. Section 24001.5 is added to the Vehicle Code, to read:

24001.5. A golf cart as defined in Section 345 shall only be subject to the provisions of this division which are applicable to a motorcycle.

CHAPTER 1304

An act to add Sections 11333 and 11655.6 to the Health and Safety Code, relating to narcotics.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 11333 is added to the Health and Safety Code, to read:

11333. Persons registered and taxed under Sections 4721 and 4722 of Title 26, United States Code, and lawfully entitled to use narcotics for the purpose of research, instruction, or analysis, may lawfully obtain and use for such purposes such substances as are defined as narcotics in Chapter 1 (commencing with Section 11000) of this division, upon registration with the Chief of the Bureau of Narcotic Enforcement and approval for use of such substances in bona fide research, instruction, or analysis by the Research Advisory Panel established pursuant to Sections 11655 and 11655.5.

Such research, instruction, or analysis shall be carried on only under the auspices of the head of a research project

which has been approved by the Research Advisory Panel pursuant to Section 11655.5 or Section 11655.6. Complete records of receipts, stocks at hand, and use of these substances shall be kept. These records shall at all times be open to inspection by any authorized agent of the Division of Narcotic Enforcement.

SEC. 2. Section 11655.6 is added to the Health and Safety Code, to read:

11655.6. The Research Advisory Panel may hold hearings on, and in other ways study, research projects concerning the treatment of narcotic abuse.

The panel may approve research projects concerning the treatment of narcotic abuse and shall inform the Chief of the Bureau of Narcotic Enforcement of such approval. The panel may withdraw approval of a research project at any time and when approval is withdrawn shall so notify the Chief of the Bureau of Narcotic Enforcement.

The panel shall, annually and in the manner determined by the panel, report to the Legislature and the Governor those research projects approved by the panel, the nature of each research project, and where available, the conclusions of the research project.

SEC. 2.5. If Section 2 of this act becomes operative, such section shall remain in effect until three years after the 61st day after final adjournment of the 1968 Regular Session of the Legislature, and shall have no force or effect after that date.

SEC. 3. This act shall become operative only if Assembly Bill No. 194 is enacted by the Legislature at the 1968 Regular Session, and in such case at the same time as Assembly Bill No. 194 becomes operative.

CHAPTER 1305

An act to amend Sections 13505 and 13520 of the Penal Code, and to amend Sections 42050 and 42052 of the Vehicle Code, relating to training programs supported by penalty assessments.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 13505 of the Penal Code is amended to read:

13505. In exercising its functions, the commission shall endeavor to minimize costs of administration so that a maximum of funds will be expended for the purpose of providing training and other services to local law enforcement agencies. All expenses shall be a proper charge against the revenue accruing under the provisions of Article 3 (commencing with Section 13520) of this chapter.

SEC. 2. Section 13520 of the Penal Code is amended to read:

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

SEC. 3. Section 42050 of the Vehicle Code is amended to read:

42050. To reimburse the General Fund for amounts appropriated therefrom for driver training pursuant to Section 17305 of the Education Code, and to augment the Peace Officers' Training Fund to the extent designated in Section 42052, there shall be levied a penalty assessment on all offenses involving a violation of a section of this code or of a city or county ordinance, relating to the operation of motor vehicles, except offenses relating to parking or registration, in the following amounts:

(a) Where a fine is imposed	$4 for each $20 of fine, or fraction thereof.
(b) If sentence is suspended	$4 if jail only, otherwise based on the amount of the fine levied, as in subdivision (a).
(c) If bail is forfeited	$4 for each $20 of bail, or fraction thereof.
(d) Where multiple offenses are involved	The penalty assessment shall be based on the total fine or bail for all offenses, or $4 for each jail sentence.

When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

SEC. 4 Section 42052 of the Vehicle Code is amended to read:

42052. After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury in the same manner as fines collected for the state by a county. Upon order of the State Controller, the money shall be deposited in the State Treasury as follows:

(a) Seventy-five percent of each such penalty assessment shall be deposited in the Driver Training Penalty Assessment Fund, which fund is continued in existence, to be used exclusively to reimburse the General Fund as provided in Section 42050

(b) Twenty-five percent of each such penalty assessment shall be deposited in the Peace Officers' Training Fund.

CHAPTER 1306

An act to amend Section 5303 of, to add Article 6 (commencing with Section 1150) to Chapter 5, Part 2, Division 1 of, to add Section 25101.3 to, and to repeal Section 987 of, the Revenue and Taxation Code, relating to taxation of aircraft, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1968 Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 987 of the Revenue and Taxation Code is repealed.

SEC. 2. Article 6 (commencing with Section 1150) is added to Chapter 5 of Part 2 of Division 1 of the Revenue and Taxation Code, to read:

Article 6. Certificated Aircraft

1150. As used in this article, "certificated aircraft" means aircraft operated by an air carrier or foreign air carrier engaged in air transportation, as defined in subdivisions (3), (5), (10), and (19) of Section 101 of Title I of the "Federal Aviation Act of 1958" (P.L. 85-726; 72 Stat. 731), while there is in force a certificate or permit issued by the Civil Aeronautics Board of the United States, or its successor, or a certificate or permit issued by the California Public Utilities Commission, or its successor, authorizing such air carrier to engage in such transportation.

1151. Certificated aircraft shall be deemed to be situated in this state only to the extent that such aircraft are normally physically present within the state, whether in flight or on the ground. To determine such extent for purposes of property taxation, the allocation formula specified by Section 1152 shall be applied.

1152. The allocation formula to be used by each assessor is as follows:

(a) The time in state is the proportionate amount of time, both in the air and on the ground, that certificated aircraft have spent within the state during a representative period as compared to the total time in the representative period. This factor shall be multiplied by 75 percent.

(b) Arrivals and departures is the number of arrivals in and departures from airports within the state of certificated aircraft during a representative period as compared to the total number of arrivals in and departures from airports both within this state and elsewhere in the representative period. This factor shall be multiplied by 25 percent.

(c) The time in state factor shall be added to the arrivals and departures factor.

(d) The figure produced by application of subdivision (c) equals the allocation to be applied to full cash value to determine the value to which the assessment ratio shall be applied.

1153. After consulting with the assessors of the counties in which aircraft of an air carrier normally make physical contact, the board shall designate for each assessment year the representative period to be used by the assessors in assessing the aircraft of the carrier.

1154. As used in this section, "air taxi" means aircraft used by an air carrier which does not utilize aircraft whose maximum certificated takeoff weight is greater than 12,500 pounds in air transportation and which does not hold a certificate of public convenience and necessity or other economic authority issued by the Civil Aeronautics Board of the United States, or its successor, or by the California Public Utilities Commission, or its successor. Air taxis are not subject to the provisions of Part 10 (commencing with Section 5301) of this division and shall be assessed in accordance with the allocation formula set forth in Section 1152.

1155. For purposes of Section 404, certificated aircraft shall be deemed to be situated only in those taxing agencies in which the aircraft normally make physical contact with sufficient regularity to entitle such agencies to tax the aircraft under the laws and Constitution of the United States. Flight time within the state shall be allocated as follows:

(a) If the aircraft takes off in one taxing agency which is entitled to tax (within the meaning of the preceding sentence) and lands in another agency which is entitled to tax, the flight time between such taxing agencies shall be allocated one-half to each such agency.

(b) If the aircraft arrives from out of state or leaves the state, the flight time from or to the state boundary shall be allocated to the taxing agency entitled to tax in which the aircraft first lands or last takes off, as the case may be.

1156. Nothing in this article shall be construed to enlarge the right of any taxing agency to tax certificated aircraft in a manner not permitted by the laws or Constitution of the United States.

SEC. 3. Section 5303 of the Revenue and Taxation Code is amended to read:

5303. (a) "Aircraft" means any contrivance used or designed for the navigation of or for flight in the air which has been flown at least once, other than a parachute or similar emergency safety device.

(b) "Aircraft" does not include any of the following:

(1) Rockets or missiles.

(2) Aircraft operated exclusively by an air carrier or foreign air carrier as defined in subdivisions (3) and (19) of Section 101 of Title 1 of the "Federal Aviation Act of 1958" (P.L. 85-726; 72 Stat. 731) engaged in air transportation as defined in subdivision (10) of the same section while there is in force a certificate or permit issued by the Civil Aero-

nautics Board of the United States, or its successor, or a certificate or permit issued by the California Public Utilities Commission, or its successor, authorizing such air carrier to engage in such transportation.

(3) Air taxis as defined in Section 1154.

SEC. 4. Section 25101.3 is added to the Revenue and Taxation Code, to read:

25101.3. (a) Except as provided in subdivision (b), the property factor as it relates to the aircraft of an air carrier or foreign air carrier, as defined in Section 1150, or the operator of an air taxi, as defined in Section 1154, shall be allocated on the basis of the formula set forth in Section 1152.

(b) Notwithstanding the provisions of subdivision (d) of Section 1152, for the purposes of this part the valuation of property owned or rented by the taxpayer shall be determined under the provisions of Section 25130.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The statutory allocation formula for certificated aircraft operated by air carriers set forth in Section 987 of the Revenue and Taxation Code became inoperative on July 1, 1968, and, thus, it is essential that this act take immediate effect.

CHAPTER 1307

An act to add Section 4000.2 to the Vehicle Code, relating to air pollution.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 4000.2 is added to the Vehicle Code, to read:

4000.2. The department shall require, upon registration of a vehicle previously registered outside this state, compliance with the provisions of subdivision (c) of Section 39090 of the Health and Safety Code.

SEC. 2. Section 4000.2 is added to the Vehicle Code, to read:

4000.2. The department shall require, upon registration of a vehicle previously registered outside this state, compliance with the provisions of subdivision (c) of Section 39090 of the Health and Safety Code, unless the vehicle is a vehicle described in subdivisions (c) and (d) of Section 39129, and is registered to an owner whose residence is in a county, district, or area described in subdivision (f), (i), or (j) of Section 39129.

SEC. 3 Section 2 of this act shall become operative only if Assembly Bill No. 357 is enacted by the Legislature at the 1968 Regular Session and repeals and adds Chapter 4 (commencing with Section 39080) of Part 1, Division 26 of the Health and Safety Code, and in such case at the same time as Assembly Bill No. 357 takes effect at which time Section 4000.2 of the Vehicle Code as added by Section 1 of this act is repealed.

CHAPTER 1308

An act to amend Sections 12406 and 12408 of, to add Section 12408 to, and to repeal Sections 12404 and 12408 of, the Education Code, relating to truant and disorderly pupils.

[Approved by Governor August 13, 1968 Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 12406 of the Education Code is amended to read:

12406. The arresting officer shall forthwith deliver the child arrested either to the parent, guardian, or other person having control, or charge of the child, or to the school from which the child is a truant, or, if the child has been declared an habitual truant, he shall cause the child to be brought before the probation officer of the county having jurisdiction over juveniles.

SEC. 2. Section 12408 of the Education Code is amended to read:

12408. If any child in any district of a county is an habitual truant, or is irregular in attendance at school, as defined in this article, or is habitually insubordinate or disorderly during attendance at school, the county superintendent of schools may request a petition on his behalf in the juvenile court of the county.

SEC. 3. Section 12404 of the Education Code is repealed.

SEC. 4. Section 12404 is added to the Education Code, to read:

12404. If any pupil in any district of a county is deemed an habitual truant, as defined in this article, or is habitually insubordinate or disorderly during attendance at school, the attendance supervisor of a school district or the county or district superintendent of schools may submit a request for a petition on his behalf in the juvenile court of the county. Any pupil, who has once been adjudged an habitual truant by the juvenile court of the county, who is reported as a truant from school one or more days or tardy on one or more days without valid excuse, in the same school year or in a succeeding year, shall be brought to the attention of the juvenile court of the

county as an habitual truant. Any pupil who has once been adjudged habitually insubordinate or disorderly during attendance at school by the juvenile court of the county who is reported as insubordinate or disorderly during attendance at school in the same school year or in a succeeding year, shall be brought to the attention of the juvenile court of the county.

SEC. 5. Section 12408 of the Education Code is repealed.

SEC. 6. Section 3 of this act shall become operative only if Senate Bill No. 967 is enacted by the Legislature at its 1968 Regular Session before this bill is enacted, and as enacted, repeals Section 12404 of the Education Code, and in such case at the same time as the repeal of Section 12404, as contained in Senate Bill No. 967, becomes operative, at which time Section 12408 of the Education Code, as amended by Section 2 of this act, is repealed.

SEC. 7. Section 4 of this act shall become operative only if Senate Bill No. 967 is enacted by the Legislature at its 1968 Regular Session before this bill is enacted, and as enacted, adds Section 12404 to the Education Code, and in such case at the same time as the added Section 12404, as contained in Senate Bill No. 967, becomes operative, at which time Section 12408 of the Education Code, as amended by Section 2 of this act, is repealed.

SEC. 8. Section 5 of this act shall become operative only if Senate Bill No. 967 is enacted by the Legislature at its 1968 Regular Session before this bill is enacted, and as enacted, repeals Section 12408 of the Education Code, and in such case at the same time as the repeal of Section 12408, as contained in Senate Bill No. 967, becomes operative, at which time Section 12408 of the Education Code, as amended by Section 2 of this act, is repealed.

CHAPTER 1309

An act to amend Sections 165, 2416, 21713, 21714, 31601, and 31602 of, to add Chapter 2.5 (commencing with Section 2500) to Division 2 of, to add Chapter 8 (commencing with Section 12300) to Division 5 of, and to repeal Sections 2418, 2418.5, 11300, 11301, 31603, 31604, 31605, and 31606 of, and to repeal Chapter 7 (commencing with Section 28500) of Division 12 of, the Vehicle Code, relating to motor vehicles.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 165 of the Vehicle Code is amended to read:

165. An authorized emergency vehicle is:

(a) Any publicly owned ambulance, lifeguard or lifesaving equipment or any privately owned ambulance used to respond

to emergency calls and operated under a license issued by the Commissioner of the California Highway Patrol.

(b) Any publicly owned vehicle operated by the following persons, agencies or organizations:

(1) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.

(2) Any police department, including those of the University of California and the California State Colleges, sheriff's department, or the California Highway Patrol.

(3) The district attorney of any county or any district attorney investigator.

(4) Any constable or deputy constable engaged in law enforcement work.

(5) Peace officer personnel of the Department of Justice.

(c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.

(d) Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the California Disaster Office or by any public agency or industrial fire department to which the California Disaster Office has assigned such vehicle.

(e) Any state-owned vehicle operated by a fish and game warden.

(f) Any vehicle owned or operated by any department or agency of the United States government:

(1) When such department or agency is engaged primarily in law enforcement work and the vehicle is used in responding to emergency calls, or

(2) When such vehicle is used in responding to emergency fire, ambulance or lifesaving calls.

(g) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.

SEC. 2. Section 2416 of the Vehicle Code is amended to read:

2416. (a) The Commissioner of the California Highway Patrol may issue authorized emergency vehicle permits only for the following vehicles, and then only upon a finding in each case that the vehicle is used in responding to emergency calls for fire or law enforcement or for the immediate preservation of life or property or for the apprehension of law violators:

(1) Any vehicle maintained in whole or in part by the state, a county or a city and privately owned and operated by a constable, deputy constable, or person who is a member of, and who receives salary from, and is regularly employed by, a police department or sheriff's department, provided the state, county or city does not furnish to such person a publicly owned authorized emergency vehicle.

(2) An emergency repair vehicle of a utility or public utility.

(3) Firefighting equipment designed and operated exclusively as such.

(4) Any vehicle operated by the chief or assistant chief of a fire department organized as provided in the Health and Safety Code or the Government Code or pursuant to special act of the Legislature.

(5) Any vehicle of an air pollution control district used to enforce provisions of law relating to air pollution from motor vehicles.

(6) Any vehicle operated by the chief of any fire department established on any base of the armed forces of the United States.

(b) Privately owned ambulances may be operated as emergency vehicles only under a license issued in accordance with the provisions of Chapter 2.5 (commencing with Section 2500) of this division.

SEC. 3. Section 2418 of the Vehicle Code is repealed.

SEC. 4. Section 2418.5 of the Vehicle Code is repealed.

SEC. 5. Chapter 2.5 (commencing with Section 2500) is added to Division 2 of the Vehicle Code, to read:

CHAPTER 2.5. LICENSES ISSUED BY CALIFORNIA HIGHWAY PATROL

Article 1. General Provisions

2500. The provisions of this chapter shall apply to all licenses issued by the Department of the California Highway Patrol unless the particular provisions applicable to each license otherwise provide.

2501. The Commissioner of the California Highway Patrol shall have the authority to issue licenses for the operation of privately owned and operated ambulances used to respond to emergency calls, armored cars, official lamp and brake adjusting stations, official motor vehicle pollution control stations, and for the transportation of explosives, and shall license lamp and brake adjusters and motor vehicle pollution control device installers. Such licenses shall be issued in accordance with the provisions of this chapter and regulations adopted by the commissioner pursuant hereto. All licenses issued by the commissioner shall expire one year from the date of issue. They may be renewed upon application and payment of the renewal fees if the application for renewal is made within the 30-day period prior to the date of expiration. Persons whose licenses have expired shall immediately cease the activity requiring a license, but the commissioner shall accept applications for renewal during the 30-day period following the date of expiration if they are accompanied by the new license fee. In no case shall a license be renewed where the application is received more than 30 days after the date of expiration.

2502. Each application for a new or renewal license, except an adjuster's or installer's license, shall be accompanied by a fee of ten dollars ($10) for a new license or five dollars ($5) for a renewal license. The application shall be made upon a form furnished by the commissioner. It shall contain such information concerning the applicant's background and experience as the commissioner may prescribe, in addition to other information required by law.

2503. (a) Licenses issued by the commissioner shall not be transferable.

(b) In the event of a change of name, not involving a change of ownership, or of a change of address of the licensee, the license shall be returned to the commissioner for cancellation, and a new license application form shall be submitted. The commissioner shall cancel the returned license and issue a new license for the unexpired term without fee.

(c) If the owner of a licensed station desires to vacate the license in favor of another license permitting a greater or lesser scope of activity, the license to be vacated shall be returned to the commissioner for cancellation and an application shall be submitted for the new license accompanied by the ten-dollar ($10) new license fee.

(d) In the event of loss, destruction, or mutilation of a license issued by the commissioner, the person to whom it was issued may obtain a duplicate upon furnishing satisfactory proof of such fact and paying a fee of two dollars ($2). Any person who loses a license issued by the commissioner and who, after obtaining a duplicate, finds the original license shall immediately surrender the original license to the commissioner.

2504. Violation of regulations adopted by the commissioner pursuant to this chapter governing the operation of ambulances or armored cars shall be a misdemeanor.

Article 2. Privately Owned and Operated Ambulances and Armored Cars

2510. A person applying for a license to operate ambulances or armored cars shall provide separate identification data and reports of inspection for each vehicle as prescribed by the commissioner. A licensee acquiring an additional vehicle shall not operate it as either an ambulance or an armored car until it has been inspected by a member of the California Highway Patrol and determined to comply with this code.

2511. Licenses for the operation of ambulances may be issued only to those persons or entities which operate ambulances designed and operated exclusively as such and which are used to respond to emergency calls

2512. (a) The commissioner, after consultation with, and pursuant to the recommendations of, the State Department of Public Health, shall adopt and enforce such reasonable regulations as he determines are necessary for the public health and safety regarding the operation and equipment of all ambulances used for emergency services. The commissioner

shall exempt, upon request of the county board of supervisors that such exemption is necessary for public health and safety, noncommercial ambulances operated within the county from such regulations adopted under this section as are specified in the board of supervisors' request. The State Department of Public Health shall be notified by the county boards of supervisors of any such exemptions.

(b) This section shall not preclude the adoption of more restrictive regulations by local authorities, but it is the intent of the Legislature that regulations adopted by the commissioner pursuant to this section shall be the minimum necessary to protect public health and safety, and shall not be so restrictive as to preclude compliance by ambulances operated in sparsely populated areas. The provisions of this subdivision shall not relieve the owner or driver of any ambulance from compliance with Section 21055.

Article 3. Lamp and Brake Adjusting Stations and Motor Vehicle Pollution Control Device Installation and Inspection Stations

2520. As used in this chapter:

(a) "Station" means a lamp adjusting station, a brake adjusting station, or a motor vehicle pollution control device installation and inspection station.

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

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

(d) "Licensed adjuster" means a person licensed by the department for adjusting lamps in licensed lamp adjusting stations or for adjusting brakes in licensed brake adjusting stations.

2521. The commissioner shall adopt regulations which prescribe the qualifications of any station as a condition to licensing the station as an official station for adjusting lamps or brakes and for installing, repairing, inspecting, or recharging motor vehicle pollution control devices and shall prescribe the qualifications of adjusters and installers employed therein.

2522. No person shall operate a motor vehicle pollution control device installation and inspection station or an "official" lamp or brake adjusting station unless a license therefor has been issued by the commissioner. No person shall issue, cause or permit to be issued, any certificate purported to be an official lamp adjustment certificate unless he is a licensed lamp adjuster, an official brake adjustment certificate unless he is a licensed brake adjuster, or a certificate of compliance unless he is a licensed motor vehicle pollution control device installer.

2523. An owner of a fleet of three or more vehicles may be licensed by the commissioner as a licensed station, provided such owner complies with the regulations of the department.

Fleet owner stations shall not certify the adjustment of lamps or brakes nor the installation, inspection, repair, or service of motor vehicle pollution control devices or systems except on vehicles which constitute such fleet.

Article 4. Transportation of Explosives

2530. Licenses for the transportation of explosives shall not be subject to the provisions of Sections 2541, 2542, 2543, and 2544 of Article 5.

2531. The commissioner may deny, suspend, or revoke a license to transport explosives when, upon a showing by the records of the Department of Motor Vehicles or the Department of the California Highway Patrol, it is evident that the applicant or licensee or his employees have been guilty of repeated violations of the provisions of this code to such an extent as to demonstrate that it would be unsafe and not in the public interest to permit the applicant to operate or permit the operation of any vehicle owned by him for the transportation of explosives upon the public highways.

2532. Any person who is denied a license to transport explosives or whose license to transport explosives is suspended or revoked is entitled to a hearing. Any proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 5. Denial, Suspension and Revocation

2540. Any license issued may be suspended or revoked by the commissioner. The commissioner may refuse to issue a license to any applicant for the reasons set forth in Section 2541. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

2541. The commissioner may deny a license if the applicant or any partner, officer, or director thereof:

(a) Fails to meet the qualifications established by the department pursuant to this chapter for the issuance of the license applied for.

(b) Was previously the holder of a license issued under this chapter which license has been revoked and never reissued or which license was suspended and the terms of the suspension have not been fulfilled.

(c) Has committed any act which, if committed by any licensee, would be grounds for the suspension or revocation of a license issued pursuant to this chapter.

(d) Has committed any act involving dishonesty, fraud, or deceit whereby another is injured or whereby the applicant has benefited.

(e) Has acted in the capacity of a licensed person or firm under this chapter without having a license therefor.

(f) Has entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony, or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or information.

2542. The commissioner may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee or any partner, officer, or director thereof:

(a) Violates any section of the Vehicle Code which relates to his licensed activities.

(b) Is convicted of any felony.

(c) Is convicted of any misdemeanor involving moral turpitude.

(d) Violates any of the regulations promulgated by the commissioner pursuant to this chapter.

(e) Commits any act involving dishonesty, fraud, or deceit whereby another is injured or any act involving moral turpitude.

(f) Has misrepresented a material fact in obtaining a license.

(g) Aids or abets an unlicensed person to evade the provisions of this chapter.

(h) Fails to make and keep records showing his transactions as a licensee, or fails to have such records available for inspection by the commissioner or his duly authorized representative for a period of not less than three years after completion of any transaction to which the records refer, or refuses to comply with a written request of the commissioner to make such record available for inspection.

(i) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he is licensed.

2543. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The commissioner may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

2544. The commissioner may take disciplinary action against any licensee after a hearing as provided in this chapter by any of the following:

(a) Imposing probation upon terms and conditions to be set forth by the commissioner.

(b) Suspending the license.

(c) Revoking the license.

2545. Upon the effective date of any order of suspension or revocation of any license governed by this chapter, the licensee shall surrender the license to the commissioner.

2546. The expiration or suspension of a license by operation of law or by order or decision of the commissioner or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the commissioner of jurisdiction to proceed with any investigation of or action or disciplinary proceedings against such licensee, or to render a decision suspending or revoking such license.

2547. All accusations against licensees shall be filed within three years after the act or omission alleged as the ground for disciplinary action, except that with respect to an accusation alleging a violation of subdivision (f) of Section 2542, the accusation may be filed within two years after the discovery by the California Highway Patrol of the alleged facts constituting the fraud or misrepresentation prohibited by said section.

2548. When any license has been revoked or suspended following a hearing under the provisions of this chapter, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the commissioner.

2549. After suspension of the license upon any of the grounds set forth in this article, the commissioner may reinstate the license upon proof of compliance by the applicant with all provisions of the decision as to reinstatement. After revocation of a license upon any of the grounds set forth in this article, the license shall not be reinstated or reissued within a period of one year after the effective date of revocation.

SEC. 6. Section 11300 of the Vehicle Code is repealed.

SEC. 7. Section 11301 of the Vehicle Code is repealed.

SEC. 8. Chapter 8 (commencing with Section 12300) is added to Division 5 of the Vehicle Code, to read:

CHAPTER 8. LAMP AND BRAKE ADJUSTMENT CERTIFICATES AND CERTIFICATES OF COMPLIANCE

12300. 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," "licensed station," "licensed installer," and "licensed adjuster" shall be construed as defined in Chap-

ter 2.5 (commencing with Section 2500) of Division 2 of this code.

12301. Whenever a licensed adjuster in a licensed station upon an inspection or after an adjustment, made in conformity with the instructions of the Department of the California Highway Patrol, determines that the lamps or the brakes upon any vehicle conform with the requirements of this code, he shall, when requested by the owner or driver of the vehicle, issue a certificate of adjustment on a form prescribed by the commissioner, which certificate shall contain the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official license of the station.

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 Division 26 of the Health and Safety Code and the rules and regulations of the 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.

12303. Whenever a licensed installer in a licensed station, in conformity with the instructions of the commissioner, 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 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 license 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. 8.5. Chapter 8 (commencing with Section 12300) is added to Division 5 of the Vehicle Code, to read:

CHAPTER 8. LAMP AND BRAKE ADJUSTMENT CERTIFICATES AND CERTIFICATES OF COMPLIANCE

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.

12301. Whenever a licensed adjuster in a licensed station upon an inspection or after an adjustment, made in conformity with the instructions of the Department of the California Highway Patrol, determines that the lamps or the brakes upon any vehicle conform with the requirements of this code, he shall, when requested by the owner or driver of the vehicle, issue a certificate of adjustment on a form prescribed by the commissioner, which certificate shall contain the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official license of the station.

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.

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. 9. Section 21713 of the Vehicle Code is amended to read:

21713. No person shall operate on any highway any armored car unless a license to operate such car has first been obtained from the commissioner in accordance with Chapter 2.5 (commencing with Section 2500) of Division 2.

Violation of this section is a misdemeanor and upon conviction is punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not to exceed six months or by both such fine and imprisonment.

SEC. 10. Section 21714 of the Vehicle Code is amended to read:

21714. No owner of a publicly or privately owned ambulance shall permit the operation of such ambulance in emer-

gency service unless either the operator thereof or an attendant on duty therein possesses an advanced American Red Cross first aid certificate or an equivalent first aid certificate issued by the United States Bureau of Mines. The commissioner may issue rules and regulations to implement this section.

SEC. 11. Chapter 7 (commencing with Section 28500) of Division 12 of the Vehicle Code is repealed.

SEC. 12. Section 31601 of the Vehicle Code is amended to read:

31601. (a) This division shall apply to the operation of any motor vehicle on any highway, and to the operation and parking of any vehicle on any property designated pursuant to this division as a safe stopping place for the purpose of transporting any explosive in any amount when the transportation is rendered as a delivery service or for hire, or in any other event for the purpose of transporting any explosive in an amount in excess of 1,000 pounds. The transportation of quantities of explosives of 1,000 pounds or less, or other than on a public highway, is governed by Division 11 (commencing at Section 12000) of the Health and Safety Code. Notwithstanding other provisions of this section, a license required by Section 31602 may be used to transport quantities of less than 1,000 pounds of explosives if all other requirements of this division are met.

(b) It is the legislative intention in enacting this division and with particular reference to requiring licenses for transportation of explosives as set forth herein that such provisions shall apply uniformly throughout the State of California and that such license to be obtained from the Department of the California Highway Patrol, as provided in Chapter 2 5 (commencing with Section 2500) of Division 2, shall be in lieu of any requirement for any license to be obtained by any such owner from any local authority within the state.

SEC. 13. Section 31602 of the Vehicle Code is amended to read:

31602. (a) It is a misdemeanor for any owner of a vehicle to drive or permit the driving of the vehicle on any public highway for the purpose of transporting any explosive as defined herein and within the scope of Section 31601 unless the owner then holds a valid license for the transportation of explosives as provided in this division, except such persons as are expressly exempted in this division.

(b) It is a misdemeanor for the owner, or authorized agent of the owner, of any vehicle transporting explosives to drive, or to permit the driving of the vehicle, or for the driver to drive such vehicle, upon any public highway, not designated in regulations adopted by the State Fire Marshal as a route for the transportation of explosives, unless the use of the highway is required to permit delivery of, or the loading of, explosives at a point not on a highway designated as a route for

the transportation of explosives, or unless the use of the highway is required to permit the vehicle to proceed to, and return from, a point designated as an inspection stop pursuant to this division.

(c) It is a misdemeanor for the driver of any vehicle transporting explosives to stop at any place not designated as a safe stopping place unless the vehicle is disabled or except when necessary to avoid conflict with other traffic or to comply with the orders of a peace officer or an official traffic control device. A safe stopping place is any location designated by the State Fire Marshal where the driver may stop for food, fuel or other necessary reasons and any location designated by the Department of the California Highway Patrol or the State Fire Marshal as a safe parking place, a safe stopping place, or as an inspection stop for purposes of this division.

(d) In the event the owner of a vehicle leases the same to be used in the transportation of explosives for which a license is required, the lessee shall be deemed the owner for the purposes of this division.

SEC. 14. Section 31603 of the Vehicle Code is repealed.

SEC. 15. Section 31604 of the Vehicle Code is repealed.

SEC. 16. Section 31605 of the Vehicle Code is repealed.

SEC. 17. Section 31606 of the Vehicle Code is repealed.

SEC. 17.5. Section 8.5 of this act shall become operative only if Assembly Bill No. 357 is enacted by the Legislature at its 1968 Regular Session, and as enacted amends Sections 28500, 28502, 28506, and 28508, or any one of these sections, and in such case at the same time as Assembly Bill No. 357 takes effect; at which time Chapter 8 (commencing with Section 12300) of Division 5 of the Vehicle Code as added by Section 8 of this act is repealed.

SEC. 18. Section 2512 is added to the Vehicle Code, to read:

2512. (a) The commissioner, after consultation with, and pursuant to the recommendations of the State Department of Public Health, shall adopt and enforce such reasonable regulations as he determines are necessary for the public health and safety regarding the operation and equipment of all ambulances used for emergency services. The commissioner shall exempt, upon request of the county board of supervisors that such exemption is necessary for public health and safety, noncommercial ambulances operated within the county from such regulations adopted under this section as are specified in the board of supervisors' request. The State Department of Public Health shall be notified by the county boards of supervisors of any such exemptions.

(b) This section shall not preclude the adoption of more restrictive regulations by local authorities, but it is the intent of the Legislature that regulations adopted by the commissioner pursuant to this section shall be the minimum necessary to protect public health and safety, and shall not be so restrictive as to preclude compliance by ambulances operated in

sparsely populated areas. It is the intent of the Legislature that the commissioner, when adopting regulations pursuant to this section, shall take into consideration the work and recommendations of the California Advisory Council on Medical Transportation established by the Quimby Act, Chapter 13 (commencing with Section 25965), Division 20 of the Health and Safety Code. The provisions of this subdivision shall not relieve the owner or driver of any ambulance from compliance with Section 21055.

SEC. 19. Section 2512 as added by Sec. 18 of this act shall become operative only if Assembly Bill No. 1684 is enacted by the Legislature at its 1968 Regular Session and in such case at the same time as Assembly Bill No. 1684 takes effect, at which time Section 2512 as added to the Vehicle Code by Sec. 5 of this act is repealed.

SEC. 20. All licenses, permits, and certificates issued by the commissioner for the operation of privately owned ambulances, armored cars, lamp and brake adjusting stations, motor vehicle pollution control device installation and inspection stations and for the transportation of explosives which are valid on the day preceding the operative date of this act shall remain valid until replaced by the commissioner with appropriate licenses or suspended or revoked for cause.

SEC. 21. This act shall become operative January 1, 1969.

CHAPTER 1310

An act to amend Section 3300 of the Welfare and Institutions Code, relating to the California Rehabilitation Center, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 3300 of the Welfare and Institutions Code is amended to read:

3300. There is hereby established an institution and branches, under the jurisdiction of the Department of Corrections, to be known as the California Rehabilitation Center. Branches may be established in existing institutions of the Department of Corrections or of the Department of the Youth Authority, in halfway houses as described in Section 3153, and in such other facilities as may be made available on the grounds of other state institutions. Branches shall not be established on the grounds of such other state institutions in any manner which will result in the placement of patients of such institutions into inferior facilities. Branches placed in a facility of the Department of Mental Hygiene shall have prior approval of the Director of Mental Hygiene. The branches in

the Department of the Youth Authority shall be established on order of the Administrator of the Youth and Adult Corrections Agency and shall be subject to the administrative direction of the Director of the Youth Authority.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of public peace, 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 present overcrowding of the existing institution, and the current rate of intake, it is imperative that additional facilities not presently being used by other state agencies be utilized for the care and treatment of narcotic addicts.

CHAPTER 1311

An act to amend Sections 554 and 1006 of the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 554 of the Education Code is amended to read:

554. The board of governors of the State Nautical School on behalf of the State Nautical School, and the governing board of a school district on behalf of any school or junior college maintained by the district is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to expend the funds provided by the act of Congress known as the "National Defense Education Act of 1958," by the act of Congress known as the "Elementary and Secondary Education Act of 1965," by the act of Congress known as the "Manpower Development and Training Act of 1962," (as amended), including but not limited to the "JOBS program" (Job Opportunities In The Business Sector), and by the act of Congress known as the "Education Professions Development Act of 1965," (as amended), and with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof, and with the State Board of Education and with other school districts and private organizations for the purpose of receiving the benefits and expending the funds provided by said acts of Congress, in accordance with said acts, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the State Board of Education adopted in accordance with said acts of Congress.

SEC. 2. Section 1006 of the Education Code is amended to read:

1006. The governing board of any school district, or any county superintendent of schools, may participate in any program authorized by the "Economic Opportunity Act of 1964," the "Elementary and Secondary Education Act of 1965," by the act of Congress known as the "Manpower Development and Training Act of 1962" (as amended), including but not limited to the "JOBS program" (Job Opportunities In The Business Sector), or the "Education Professions Development Act of 1965."

Participation may include, but is not limited to, entering into agreements with the Director of the Office of Economic Opportunity, the United States Commissioner of Education, or any public or private nonprofit agency, or combination thereof, pursuant to the "Economic Opportunity Act of 1964" (P.L. 88-452; 78 Stat. 508), the "Elementary and Secondary Education Act of 1965" (P.L 89-10; 79 Stat. 27), by the act of Congress known as the "Manpower Development and Training Act of 1962" (as amended), including but not limited to the "JOBS program (Job Opportunities In The Business Sector), or the "Education Professions Development Act of 1965" (P.L. 89-329; 79 Stats 1254), as the case may be, and acts amending or supplementing those acts. Participation may also include the expenditure by county superintendents of schools and school districts of whatever funds may be required by the federal government as a condition to such participation.

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 enable school districts and county superintendents of schools to apply for and receive funds under the Elementary and Secondary Education Act of 1965, the Manpower Development and Training Act of 1962 (as amended), and the Education Professions Development Act of 1965 (as amended) and to prevent the disruption of educational programs prepared in contemplation of receipt of such funds, this act must take effect immediately.

CHAPTER 1312

An act to add Section 16002.1 to the Business and Professions Code, relating to real estate auctions.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 16002.1 is added to the Business and Professions Code, to read:

16002.1. No license fee for the privilege of auctioning real estate may be collected from any real estate auctioneer, whose business is limited exclusively to auctioning real estate, except by the city in which he has a permanent place of business.

CHAPTER 1313

An act to add Sections 11103 and 11451.5 to the Welfare and Institutions Code, relating to public assistance, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 11103 is added to the Welfare and Institutions Code, to read:

11103. In the event the durational residence requirements as set forth in Sections 11252, 12050, 13550 and 17104 of this code or the application thereof to any person or circumstances are held invalid, the department shall establish such regulations as are necessary to insure that aid is paid only to those persons who have established a permanent residence in this state. Notwithstanding the provisions of Section 11100 of this code, during such times as durational residence requirements as set forth by the above-listed code sections are held invalid, payment of aid to any person living outside of this state shall be discontinued within 30 days of the date that such person becomes eligible to apply for aid in the state where he is living.

SEC. 2. Section 11451.5 is added to the Welfare and Institutions Code, to read:

11451.5. The purpose of this section is to provide the department with the necessary support and authority to implement provisions of the Work Incentive Program as established pursuant to Division 2 (commencing with Section 5000) of the Unemployment Insurance Code. The cost of work or training-related expenses shall be paid from special funds appropriated by the Legislature for the purpose. The state shall pay 67½ percent and the county shall pay 32½ percent of the additional aid furnished for such work or training-connected expenses after a deduction therefrom of any funds received from the United States government.

The county welfare department in each county of this state shall establish a program of day care services in order to permit mothers of children, qualified for aid under this chapter, to exercise their right to participate in the Work Incentive Program authorized by Division 2 (commencing with Section 5000) of the Unemployment Insurance Code.

It is the intent of this section to make maximum use of federal funds that are available to provide training or work-related expenses and home care services. Accordingly, each county shall be required to provide or purchase day care services and to pay for training or work-related expenses under that plan which provides the greatest financial participation by the United States government. No allowance for day care of children shall be included in the grant authorized by Section 11450 of this code.

The state shall pay 67½ percent and the county shall pay 32½ percent of the cost of day care services after deducting therefrom the amount of funds received from the United States government.

SEC. 3. There is hereby appropriated from the General Fund in the State Treasury the sum of five hundred thousand dollars ($500,000) to the State Department of Social Welfare for payments to counties for the state share of the cost of services as required by this act and for the augmentation of the department's support budget to cover additional administrative costs of the department's administration of the Work Incentive Program established pursuant to Division 2 (commencing with Section 5000) of the Unemployment Insurance Code.

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

Public Law 90-248, as enacted by Congress amends provisions of the Social Security Act as it relates to Aid to Families with Dependent Children, provides for termination of the Community Work and Training Programs and establishes a Work Incentive Program to be administered by the State Department of Employment. Federal funds heretofore available to this state for costs of administration of the Community Work and Training Program are no longer available. Under the new federal program, which must go into effect no later than July 1, 1968, county welfare departments must provide funds for expenses connected with the Work Incentive Program and must provide day care for children in order that the maximum number of public assistance recipients can participate in the program which is vital to their ultimate achievement of self-support. It is therefore essential that this act go into effect immediately.

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

CHAPTER 1314

An act to amend Section 11580.1 of the Insurance Code and to amend Sections 16057, 16451, and 16452 of the Vehicle Code, relating to insurance.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 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 automobile liability insurance as provided in Section 16057 of the Vehicle Code covering liability arising out of the ownership, maintenance or use of any motor vehicle shall be issued or delivered in this state 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 or the provisions of Article 2 (commencing with Section 16450), Chapter 3, Division 7 of the Vehicle Code, 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, nor accrue to the benefit of the insured or any third party claimant, 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 and upon every third party claimant.

(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.

SEC. 2. Section 11580.1 of the Insurance Code is amended to read:

11580.1. No policy of automobile liability insurance as provided in Section 16057 of the Vehicle Code covering liability arising out of the ownership, maintenance or use of any motor vehicle shall be issued or delivered in this state 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 or the provisions of Article 2 (commencing with Section 16450), Chapter 3, Division 7 of the Vehicle Code, 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, nor accrue to the benefit of the insured or any third party claimant, 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 and upon every third party claimant.

(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.

SEC. 3. Section 16057 of the Vehicle Code is amended to read:

16057. Exemption may be established by filing with the department satisfactory evidence:

(a) That the owner had an automobile liability policy or motor vehicle liability policy or bond in effect at the time of the accident with respect to the driver or the motor vehicle involved in the accident, unless it is established that at the time of the accident the motor vehicle was being operated without the owner's permission, express or implied, or was parked by a driver who had been operating the vehicle without permission.

(b) That the driver of the motor vehicle involved in the accident, if he was not the owner of such motor vehicle, had in effect at the time of the accident an automobile liability policy or motor vehicle liability policy or bond with respect to his operation of motor vehicles not owned by him.

(c) That such liability as may arise from the driver's operation of the motor vehicle involved in the accident is, in the judgment of the department covered by some form of liability insurance or bond.

(d) Any automobile liability policy or bond referred to in this section shall comply with the requirements of Section 16059 of this code and Sections 11580, 11580.1 and 11580.2 of the Insurance Code, but need not contain provisions other than those required by said sections.

SEC. 4. Section 16451 of the Vehicle Code is amended to read:

16451. An owner's policy of motor vehicle liability insurance shall insure the person named therein and any other person, as insured, using any owned motor vehicle with the express or implied permission of said assured, against loss from the liability imposed by law for damages arising out of ownership, maintenance, or use of such motor vehicle within the continental limits of the United States to the extent and aggregate amount, exclusive of interest and costs, with respect to each motor vehicle, of fifteen thousand dollars ($15,000) for bodily injury to or death of each person as a result of any one accident and, subject to said limit as to one person, the amount of thirty thousand dollars ($30,000) for bodily injury to or death of all persons as a result of any one accident and the amount of five thousand dollars ($5,000) for damage to property of others as a result of any one accident.

SEC. 5. Section 16452 of the Vehicle Code is amended to read:

16452. An operator's policy of motor vehicle liability insurance shall insure the person named as insured therein against loss from the liability imposed on him by law for damages arising out of use by him of any motor vehicle not owned by him, and for any subsequently acquired motor vehicle for a period not to exceed 10 days from date of purchase, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

SEC. 6. Section 2 of this act shall become operative only if Assembly Bill No. 590 is enacted by the Legislature at its 1968 session, and in such case at the same time as Assembly Bill No. 590 takes effect; at which time Section 11580.1 of the Insurance Code as amended by Section 1 of this act is repealed.

CHAPTER 1315

An act to add Chapter 8 (commencing with Section 5650) to Division 6, Title 1 of the Government Code, relating to contracts concerning public securities.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Chapter 8 (commencing with Section 5650) is added to Division 6, Title 1 of the Government Code, to read as follows:

CHAPTER 8. CONTRACTS CONCERNING PUBLIC SECURITIES

5650 As used in this chapter, "public securities" means any issue of bonds, notes, warrants or other evidences of indebtedness and the interest coupons, if any, attached thereto, issued or proposed to be issued by any public body.

5651. As used in this chapter, "public body" means any county, city and county, city, municipal corporation, political subdivision, public district, public corporation or public authority, or any agency thereof.

5652. No public body shall enter into any contract which provides that such public body shall be furnished any report relating to the financial feasibility of any public project or of the issuance or sale of any public securities if: (1) payment for any services provided for in such contract is contingent upon a finding in such report that the public undertaking or the issuance or sale of any public securities is financially feasible; or (2) the contract fails to provide that it is for personal services and nonassignable.

CHAPTER 1316

An act to add Article 2 (commencing with Section 249) to Chapter 2, Part 1, Division 1 of, and to repeal Article 2 (commencing with Section 249) of Chapter 2, Part 1, Division 1 of, the Health and Safety Code, relating to crippled children services.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Article 2 (commencing with Section 249) of Chapter 2, Part 1, Division 1 of the Health and Safety Code, is repealed.

SEC. 2. Article 2 (commencing with Section 249) is added to Chapter 2, Part 1, Division 1 of the Health and Safety Code, to read:

Article 2. Crippled Children Services

249. The Department of Public Health shall establish and administer a program of services for physically defective or handicapped persons under the age of 21 years, in cooperation with the federal government through its appropriate agency or instrumentality, for the purpose of developing, extending and improving such services. The department shall receive and expend all funds made available to it by the federal government, the state, its political subdivisions or from other sources, and it shall have power to supervise those services included in the state plan which are not directly administered

by the state. The department shall cooperate with the medical, health, nursing and welfare groups and organizations concerned with the program, and any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children.

250. It is the intent of the Legislature through the provisions of this article to provide, to the extent practicable, for the necessary medical services required by physically handicapped children whose parents are unable to pay for these services, wholly or in part. The provisions of this article shall also include the necessary services rendered by the program to physically handicapped children treated in public schools that provide services for physically handicapped children.

250.5. "Handicapped child," as used in this article, means a physically defective or handicapped person under the age of 21 years who is in need of services. The director shall establish those conditions coming within a definition of "handicapped child" except as the Legislature may otherwise include in the definition. Phenylketonuria, cystic fibrosis, and hemophilia shall be among such conditions.

250.6. The department shall keep the program abreast of advances in medical science, leading to the inclusion of other handicapping conditions and services within the limits of and consistent with the most beneficial use of funds appropriated for this purpose. With the approval of the agency administrator the department may carry out pilot studies to determine the need for, or the feasibility of, including other handicapping conditions and services in the program within the limits of available funds appropriated for the program.

251. "Services," as used in this article, means any or all of the following:

(a) Expert diagnosis.
(b) Medical treatment.
(c) Surgical treatment.
(d) Hospital care.
(e) Physical therapy.
(f) Occupational therapy.
(g) Special treatment.
(h) Materials.
(i) Appliances and their upkeep, maintenance, care and transportation.
(j) Maintenance, transportation, or care incidental to any other form of "services."

251.5. "Crippled children's program," as used in this article, means the program of services established and operated pursuant to this article.

252. The board of supervisors of each county shall designate the county department of public health or the county department of social welfare as the designated agency to administer the crippled children's program. Counties with total population under 200,000 persons may administer the county program independently or jointly with the state department.

Counties with a total population in excess of 200,000 persons shall administer the county program independently. Except as otherwise provided in this article, the director shall establish standards relating to the local administration and minimum services to be offered by counties in the conduct of the crippled children's program.

253 The department or designated county agency shall cooperate with, or arrange through, local public or private agencies and providers of medical care to seek out handicapped children, bringing them expert diagnosis near their homes. Case finding shall include, but not be limited to, children with impaired sense of hearing This section does not give the department or designated agency power to require medical or other form of physical examination without consent of parent or guardian.

254. Whenever the parents or estate of a handicapped child is wholly or partly unable to furnish for the child necessary services, the parents or guardian may apply to the agency of the county which has been designated by the board of supervisors of the county of residence under the terms of Section 252 to administer the provisions for handicapped children. Residence shall be determined in accordance with the provisions of Sections 243 and 244 of the Government Code.

255. The department shall establish uniform standards of financial eligibility for treatment services under the crippled children's program, including a uniform formula for the repayment for services rendered by the program. All counties will use the uniform standards for financial eligibility and uniform formula for repayment established by the department. All repayments will be used in support of the crippled children's program.

256 The designated agency shall determine the financial eligibility of the family according to standards established by the department. The agency will also determine if the parents are residents of the county, if the guardian of the child is a resident of the county, or if the emancipated minor is a resident of the county where application for services is made. If the agency finds that the family, guardian, or emancipated minor is a resident of the county and financially eligible for services, it shall make a record of the facts and shall certify this child for care under the program.

257. The designated agency shall enter into an agreement with the parents or estate of the child to repay the program for the costs of treatment in accordance with the formula for repayment established by the department. Any payment made by the parents or estate will be paid to the treasurer of the county in which the certificate of eligibility is issued and credited to the state and county account from which the expenditure was originally drawn.

258. A county of under 200,000 population, administering its county program jointly with the state department, shall

forward to the department a statement certifying the family of the handicapped child as financially eligible for treatment services. The department shall authorize necessary services within the limits of available funds. Payment for services will be made by the state department, with reimbursement from the county for its proportionate share as specified in this article.

259. The state department may, without the possession of a county certification, pay the expenses for services required by any physically handicapped child out of any funds received by it through gift, devise, or bequest or from private, state, federal or other grant or source.

The department may authorize or contract with any person or institution properly qualified to furnish services to handicapped children. It may pay for services out of any funds appropriated for the purpose or from funds it may receive by gift, devise or bequest.

The department may receive gifts, legacies, and bequests and expend them for the purpose of this article, but not for administrative expense.

260. When the department provides, or arranges for the provision of services to physically handicapped children directly, as in the case of nonresident physically handicapped children, it shall enter into an agreement with parents, guardians or persons responsible for the care of handicapped children to repay the program for the costs of treatment in accordance with the uniform formula for repayment established by the department. Payment shall be credited to the state account from which the expenditure was originally drawn.

261. Upon the request of another state or of a federal agency, the department may pay the expenses of services required by any physically handicapped child who is not a resident of the state; provided, that the cost of such services is fully covered by special grants or allotments received from such state or federal agency for that purpose.

262. The department and designated agencies shall maintain surveillance and supervision over the services provided handicapped children under authorization by the program to assure a high quality of service and shall cause a record to be kept showing the condition and improvement of these handicapped children.

263. This article does not authorize any treatment service without the written consent of a parent or guardian except as a person under 21 years is an emancipated minor.

264. A handicapped child shall not be denied services pursuant to this article because he is mentally retarded.

265. Annually the board of supervisors of each county shall appropriate for services for handicapped children of the county, including diagnosis, treatment, and therapy services for physically handicapped children in public schools, exclusive of administrative costs, a sum of money not less than that represented by a rate of one-tenth of one mill ($0.0001) on

each dollar on the assessed valuation of the taxable property in the county, except that whenever the department on or before May 1st of any year certifies to the board of supervisors a smaller amount needed for such purposes in that county, the latter shall be the minimum amount appropriable for expenditure therefor in that county during the next succeeding fiscal year.

The state shall appropriate funds sufficient to bring each county program to twenty thousand dollars ($20,000) or four-tenths of one mill ($0.0004), whichever is greater, except if the county has appropriated less than one-tenth mill ($0.0001) as provided in this section.

Nothing in this section shall prevent a county board of supervisors from appropriating additional money for services to handicapped children, and the state shall be obligated to match such appropriations in a ratio of three dollars ($3) for one dollar ($1) of county money up to a maximum county appropriation of two-tenths of a mill ($0.0002) of assessed valuation upon a determination by the department that a need based on departmental priorities exists for such supplemental state and county funds.

Expenditures for services shall represent a concurrent obligation against state and county funds according to the method of reimbursement specified in this section.

The state shall reimburse counties quarterly on a 3:1 matching basis for county expenditures, provided that the state quarterly payment shall not exceed by more than 10 percent the total state funds allocated quarterly to each county, except as provided in Section 266.

Expenditures made to reimburse counties for the state's share of the cost of such services shall be charged to the fiscal year in which the county issues its warrant in payment of such services Expenditures made by the state on behalf of counties for the cost of such services shall be charged to the fiscal year in which the warrant is issued by the State Controller.

Federal grant funds allocated for the support of the crippled children's program shall be used for the purpose of state matching of county appropriations for services except for the cost of the administration of the program by the department.

State matching dollars for services for handicapped children shall not exceed the amount actually appropriated for the program.

266. For those counties with a total appropriation of county and state funds not exceeding one hundred fifty thousand dollars ($150,000) and upon the expenditure of county funds equivalent to a county appropriation of two-tenths mill ($0.0002), the state may from state-appropriated funds pay for services for cases deemed by the department to represent emergencies or cases where medical care cannot be delayed without great harm to the child.

267. The designated county agency shall administer the medical-therapy program in local public schools for physically handicapped children. As provided in Section 265, the state and counties will share in the cost of support of therapist salaries in these schools in the ratio of three dollars ($3) of state funds reimbursed quarterly to one dollar ($1) of county funds. The director shall establish standards for the maximum number of therapists employed in the schools eligible for state financial support in this program, the services to be provided, and the county administrative services subject to reimbursement by the state.

268. The state and the counties will share in the cost of administration of the crippled children's program at the local level. The director will establish the standards for administration, staffing and local operation of the program subject to reimbursement by the state. Reimbursable administrative costs, to be paid by the state to counties, shall not exceed 4.1 percent of the gross total expenditures for diagnosis, treatment and therapy by counties as specified in Section 265.

269. The department shall require of participating local governments the provision of program data including, but not limited to, the number of children treated, the kinds of disabilities, and the costs of treatment, to enable the department, the Department of Finance, and the Legislature to evaluate in a timely fashion and to adequately fund the crippled children's program.

SEC. 3. This act shall become operative on July 1, 1969.

CHAPTER 1317

An act to add Section 24000.1 to the Education Code, relating to state colleges.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 1968.]

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

SECTION 1. Section 24000.1 is added to the Education Code, to read:

24000.1. Notwithstanding any other provision of law to the contrary, the trustees may deposit into and maintain in local trust accounts, funds received in connection with the following sources or purposes:

(a) Gifts, bequests, devises, and donations received under Section 24000.

(b) Any student loan or scholarship fund program, including but not limited to, student loan programs of the state, federal government (including programs referred to in Section 24001), local government, or private sources.

(c) Advance payment for anticipated expenditures or encumbrances in connection with federal grants or contracts.

(d) Room, board, and similar expenses of students enrolled in the international program of the California State Colleges.

(e) Cafeteria replacement funds.

(f) Miscellaneous receipts in the nature of deposits subject to return upon approval of a proper application.

CHAPTER 1318

An act authorizing the Director of General Services to dispose of property belonging to the state, and making an appropriation therefor.

[Approved by Governor August 13, 1968. Filed with Secretary of State August 13, 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:

Parcel 1. Approximately 2.5 acres located in the County of Nevada, within the city limits of Truckee, California, being the former Truckee Agricultural Inspection Station.

Parcel 2. The land and facilities upon which the former Marysville Forest Ranger Unit Headquarters were located, described as Lots 1–8 inclusive in Block 2, Range "Sampson", as shown on the official map of the City of Marysville.

Parcel 3. Approximately 17.18 acres in the County of Placer, located along Highway 49 near Auburn, California, being the former Auburn Forest Ranger Station.

Parcel 4. An area not to exceed 310 feet by 290 feet in the County of Imperial, on the North side of Main Street approximately 300 feet West of Imperial Avenue in El Centro, California, being the former El Centro General Services Office Building site. The net proceeds received from the disposition of such property, subject to Section 3 hereof, shall be paid into the General Fund after an amount equal to the current appraised value of an adjoining 81 foot by 290 foot parcel (being a portion of the Department of Employment site) is paid into the state's account in the Unemployment Trust Fund in consideration for the transfer of such adjoining parcel to the Department of General Services.

Parcel 5. An area of 81 feet by 290 feet in the County of Imperial, on the North side of Main Street approximately 219 feet West of Imperial Avenue in El Centro, California, being a portion of the former El Centro Employment Office Building

site and such portion of Parcel 4 as the Director of General Services determines is needed for an office building site; provided that the purchaser of such property agrees to construct improvements thereon and to lease the same to the State, acting by and through the Director of General Services, with an option in favor of the State to purchase such property and improvements, or providing that the property and improvements shall vest in the State upon expiration of the lease, and otherwise upon such terms and conditions as the Director of General Services deems to be in the best interests of the State.

Parcel 6. Approximately 120 acres in San Bernardino County lying westerly of the City of San Bernardino, described as portions of Lot 3, Lot 4, Lot 5, Lot 8, and all of Lot 9 in Block 51 of Rancho San Bernardino. This property was formerly used as part of the farm operations at Patton State Hospital.

Parcel 7. Approximately 2.89 acres located in San Bernardino County, City of San Bernardino, being a portion of the main hospital grounds at Patton State Hospital and described as a portion of the Southwest quarter of the Southwest quarter of Section 29, Township 1 North, Range 3 West, S. B. B. and M., bounded on the North and East by the Santa Fe Railroad right-of-way, on the West by Victoria Avenue, and on the South by Highland Avenue.

Parcel 8. A parcel of approximately 11,525 square feet located in San Luis Obispo County near Cambria, with frontage along Moonstone Beach Avenue, being a portion of San Simeon State Beach Park and described as a portion of Block 83 of Cambria Pines Unit No. 6.

Parcel 9. Approximately 15.10 acres located in portions of Sections 19 and 20, Township 14 North, Range 14 West, M.D.B. & M., in Mendocino County adjacent to State Highway 128 approximately 6 miles Northwest of Philo, being the Indian Creek State Reserve.

Parcel 10. A grave plot located in the Santa Clara City Cemetery, being one of twelve purchased for the State of California by the Board of Directors of the Women's Relief Corps Home, legally described as Grave No. 408, Section H-2.

Parcel 11. Approximately 37.71 acres in Stanislaus County, located along Washington Avenue near Keyes, California, being the Turkey Testing site of the Poultry Improvement Commission.

Parcel 12. Approximately 8.183 acres in Stanislaus County located along Highway 99 in Modesto, California, being the Poultry Testing Project site of the Poultry Improvement Commission.

Parcel 13. Approximately 200 acres located in Los Angeles County, Northeast of the City of San Fernando, bounded on the Northwest by Hubbard Street, on the Southwest by Eldridge Street, on the Southeast by Maclay Street, and on the Northeast by Subdivision Tract No. 24742, being the former site of the San Fernando State Hospital.

Parcel 14. Approximately 500 acres located in Sections 11 and 12, Township 12 North, Range 8 East, Mount Diablo Base and Meridian, in Placer County under the jurisdiction of the Department of Finance, commonly known as the Auburn Dam Site.

SEC. 2. Notice of every public auction or bid opening shall be posted on the property to be sold and shall be published in a newspaper published in the county in which the real property to be sold is situated.

SEC. 2.5. Any cost or expense incurred in the disposition of any parcel shall be reimbursed from the proceeds of such disposition.

SEC. 3. Subject to Section 2.5 hereof, any moneys received from the disposition of any parcel shall be paid into the General Fund, except that any moneys received from the disposition of Parcel 4 shall be paid into the state's account in the Unemployment Trust Fund in the amount required by Section 1 of this act.

SEC. 4. Jurisdiction and control of approximately 79.651 acres in Sacramento County lying in the Southwest corner of the new State Fairgrounds and contiguous to the North bank of the American River, being described as all that portion of Sections 66 and 68, as said Sections are shown on the official "Map of Survey and Subdivision of Rancho Del Paso" recorded in the office of the Recorder of Sacramento County in Book A of Surveys, Map No. 94, and a portion of Sections 3 and 4, Township 8 North, Range 5 East, and Sections 32, 33, and 34, Township 9 North, Range 5 East, M. D. B. and M., is hereby transferred from the State Lands Commission to the Department of General Services.

SEC. 4.5. The Director of General Services is hereby authorized to quitclaim to the County of Imperial, State of California, at no cost to the County, that property conveyed to the state by Grant Deed recorded in Book 1152, Page 548, Official Records of Imperial County, being a portion of the North half of Tract 69, Township 15 South, Range 14 East, S.B.M., according to the plat of resurvey approved December 22, 1908 and filed in the District Land Office.

CHAPTER 1319

An act to add Sections 418.1 and 418.2 to the Streets and Highways Code, relating to state highways.

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

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

SECTION 1. Section 418.1 is added to the Streets and Highways Code, to read:

418.1. The department shall remove the center strip on that part of Route 118 on Sepulveda Boulevard from Devonshire Street to Brand Boulevard and pave that portion of Sepulveda Boulevard from curb to curb to four-lane, modern highway standards adequate to handle existing traffic and shall include appropriate provision for left-turn lanes.

The department shall commence such work prior to January 1, 1969, and shall continue with due diligence until the work is completed, unless precluded therefrom by conditions beyond the department's control.

SEC. 2. Section 418.2 is added to the Streets and Highways Code, to read:

418.2. The department shall improve that portion of Route 118 from Sepulveda Boulevard via Brand Boulevard to the city limits of San Fernando westerly of O'Melveny Street to modern highway standards adequate for existing traffic as a cooperative project with the City of Los Angeles. The highway improvement shall be under construction by January 1, 1969, and shall thereafter continue with due diligence until completed, except for conditions beyond the control of the department or city. If the highway improvement is not under construction on or about January 1, 1969, the department shall proceed by itself with due diligence to design and construct the highway, shall determine the cost of the betterments to the highway involved in such design and construction, and shall transmit this cost determination to the Controller. The Controller shall thereupon withhold and transmit to the department a sum of money equal to the amount of the cost determination from the next future apportionments to the City of Los Angeles under Section 2106.

CHAPTER 1320

An act to add Sections 1419.7 and 1419.9 to the Labor Code, relating to the State Fair Employment Practice Commission.

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

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

SECTION 1. Section 1419.7 is added to the Labor Code, to read:

1419.7. The commission may also provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, religious creed, color, national origin, or ancestry which impair the rights of persons in such communities under the Constitution or laws of the United States or of this state. The services of the commission may be made available in

cases of such disputes, disagreements, or difficulties only when, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby. The commission's services are to be made available only upon the request of an appropriate state or local public body, or upon the request of any person directly affected by any such dispute, disagreement, or difficulty.

The assistance of the commission pursuant to this section shall be limited to endeavors at conference, conciliation, and persuasion.

SEC. 2. Section 1419.9 is added to the Labor Code, to read:

1419.9. (a) The commission shall, whenever possible, in performing its functions, seek and utilize the cooperation of appropriate state or local, public, or private agencies, and may cooperate in such endeavors with the federal Community Relations Service.

(b) The activities of all commissioners and employees of the commission in providing conciliation assistance shall be conducted in confidence and without publicity, and the commission shall hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held. No commissioner or employee of the commission shall engage in the performance of investigative or prosecuting functions of any department or agency in any litigation arising out of a dispute in which he acted on behalf of the commission. Any commissioner or other employee of the commission, who makes public in any manner whatever any information in violation of this subdivision, is guilty of a misdemeanor and, if a member of the state civil service, shall be subject to disciplinary action under the State Civil Service Act.

SEC. 3. The Legislature hereby finds and declares that in view of the enactment of Title VIII of Public Law 90-284, relating to fair housing, the time spent by the State Fair Employment Practice Commission in enforcing Part 5 (commencing with Section 35700) of Division 24 of the Health and Safety Code, relating to discrimination in housing, will be less than as present, and thus the commission should be able to, and is hereby directed to, implement the provisions of this act with its present staff and with no added expense to the state.

CHAPTER 1321

An act to amend Section 18102 of the Education Code, relating to mobility instruction for blind pupils, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 18102 of the Education Code is amended to read:

18102. (1) The Superintendent of Public Instruction shall allow to each school district and each county superintendent of schools, for each special day class, maintained during the current fiscal year, of the size prescribed by the State Board of Education for the particular category of handicapped pupils involved, an amount as follows:

(a) For mentally retarded minors (as defined by Section 6902)	$7,830
(b) For mentally retarded minors (as defined by Section 6903)	9,540
(c) For educationally handicapped minors (as defined by Section 6750)	13,680
(d) For physically handicapped minors (as defined by Section 6801)	12,215

(2) Insofar as practicable, the attendance in each school district of the particular categories of minors enumerated in subdivision (1) shall be concentrated in a minimum number of such classes. For any special day class for educationally handicapped minors or physically handicapped minors in which are enrolled fewer than one-half of the number of pupils prescribed by the State Board of Education as the appropriate class size for the particular category of minors involved, there shall be allowed to the district, in lieu of the allowance specified in subdivision (1), an amount of one thousand one hundred forty dollars ($1,140) per pupil in average daily attendance in each such class for educationally handicapped minors in the current fiscal year, and one thousand eighteen dollars ($1,018) per pupil in average daily attendance in each such class for physically handcapped minors in the current fiscal year.

For any special day class for mentally retarded minors (as defined by Section 6902) or mentally retarded minors (as defined by Section 6903) in which are enrolled fewer than one-half of the number of pupils prescribed by the State Board of Education as the appropriate class size for the particular category of minors involved, there shall be allowed to the district, in lieu of the allowance specified in subdivision (1), an amount of four hundred thirty-five dollars ($435) per pupil in average daily attendance in each such class for mentally retarded minors (as defined by Section 6902) in the current fiscal year, and seven hundred ninety-five dollars ($795) per pupil in average daily attendance in each such class for mentally retarded minors (as defined by Section 6903) in the current fiscal year.

(3) In addition to the allowances provided under subdivisions (1) and (2), the following amounts per pupil in average daily attendance in the current fiscal year shall be allowed to each school district and county superintendent of schools:

(a) For instruction of educationally handicapped minors in learning disability groups, one thousand eight hundred eighty dollars ($1,880).

(b) For instruction of educationally handicapped minors in homes or in hospitals, one thousand five hundred ninety dollars ($1,590).

(c) For instruction of physically handicapped minors in remedial physical education, seven hundred seventy-five dollars ($775).

(d) For remedial instruction of physically handicapped minors in other than physical education, two thousand dollars ($2,000).

(e) For instruction of blind pupils when a reader has actually been provided to assist the pupil with his studies, or for individual instruction in mobility under regulations prescribed by the State Board of Education, or when braille books are purchased, ink print materials are transcribed into braille, or sound recordings and other special supplies and equipment are purchased for blind pupils, nine hundred ten dollars ($910)

(f) For other individual instruction of physically handicapped minors, one thousand three hundred dollars ($1,300).

(4) (a) The allowances provided under subdivisions (1), (2), and (3), may be increased proportionately on account of special day classes convened, or other instruction provided a pupil, for days in a school year which are in excess of the number of days in the school year on which the regular day schools of a district are convened.

(b) The Superintendent of Public Instruction shall compute for each applicant school district and county superintendent of schools in providing in such year a program of specialized consultation to teachers, counselors and supervisors for educationally handicapped minors who come within the provisions of subdivision (c) of Section 6751, an amount equal to the product of the average daily attendance of pupils enrolled in such programs in subdivision (a) of this section and ten dollars ($10).

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 shortage of personnel trained for individual instruction in mobility for blind pupils. If such personnel who are presently available are not employed as soon as possible they may not be available for the forthcoming school year, thus it is necessary that this act take effect immediately.

CHAPTER 1322

An act to add Chapter 2.1 (commencing with Section 16115) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to aid for adoption of children.

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

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

SECTION 1. Chapter 2.1 (commencing with Section 16115) is added to Part 4 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 2.1. AID FOR ADOPTION OF CHILDREN

16115. Aid under this chapter shall be known as aid for adoption of children.

16116. For purposes of this chapter, a "hard-to-place" child is a child who is disadvantaged because of adverse parental background, or a handicapped child, or a child of the age of seven years or more. The provisions of this chapter apply only to hard-to-place children.

16117. It is the purpose of this chapter to encourage and promote the placement in adoptive homes of children who because of their ethnic background, race, color, language, physical handicaps, or age have become difficult to place in adoptive homes. It is the legislative intent to make available to prospective adoptive parents information concerning the availability of relinquished children, information and assistance in completing the adoption process, and the financial aid which might be required to enable them to adopt an otherwise hard-to-place child.

16118. The department shall administer and establish a two-year pilot program to be carried out by any licensed county adoption agency.

The pilot program shall be carried out to determine (a) the extent to which a public information campaign on adoptions would tend to increase the number of persons seeking to adopt hard-to-place children, (b) the extent to which financial assistance can increase the number of adoptions, especially among lower income families, and (c) the extent of financial assistance, if any, which is needed.

The department shall keep such records as are necessary to evaluate the programs' effectiveness in encouraging and promoting the adoption of hard-to-place children. The department shall make annual progress reports to the Legislature by March 1st of each year and shall make a final report to the 1971 Legislature in time for that Legislature to make a decision whether to make this pilot program a permanent part of the adoption program of the state.

16119. The department shall disseminate information to prospective adoptive families, especially those families of lower income levels and those belonging to disadvantaged groups, as to the availability of adoptable children and of the existence of aid to adoptive families under this chapter.

The department shall assist families, wishing to adopt hard-to-place children, in completing the legal and procedural requirements necessary to effect the adoption.

The department shall provide financial aid to the adoptive family in an amount it has determined pursuant to Section 16120.

16120. The adoption fees may be waived for all adoptive parents who participate in the program. In addition, there may be paid for a period not to exceed three years an amount of financial assistance not more than the amount that would be paid for foster care for the child if the placement for adoption had not taken place. The Director of Finance is authorized to transfer funds to a special account for use by the department to provide the in-lieu foster care payments as provided by this section. Such transfer of funds shall not exceed the amount of the estimated reduction in foster care payments which will result from the placement of hard-to-place children in adoptive homes. The county share of the cost of in-lieu foster care payments to adoptive parents shall be paid from county funds.

16121. It is the intent of the Legislature in enacting this chapter to benefit hard-to-place children residing in foster homes at state expense by providing the stability and security of permanent homes, and, in so doing, achieve a reduction in total state expense by reducing costly foster home care.

16122. The department shall actively seek, and make maximum use of, federal funds which might be available for the purposes of this chapter. All gifts or grants received from private sources for the purposes of this chapter shall be used to offset state costs incurred under the pilot program established by this chapter.

16123. The provisions of this chapter shall become operative on January 1, 1969 and no further adoptive placements of children shall be made pursuant to provisions of this chapter after December 31, 1971. The in-lieu foster care payments authorized under this chapter shall continue for those children placed prior to December 31, 1971, for so long as necessary, but not to exceed a period of three years from the date of the placement of the child.

SEC. 2. It is not the intent of this act to increase expenditures but to provide for payments to adoptive parents in the same way that such persons would be eligible to receive aid payments if they were to apply for a boardinghome license.

CHAPTER 1323

An act to amend Sections 101, 2841, 2893, 2894, 4501, 4502, 4505, 4506, 4510, 4511, 4512, 4513, 4514, 4515, 4516, 4520, 4521, 4523, 4544, 4545, 4545.1, 4545.2, 4545.3, 4546, 4547, and 4549 of, and to amend the heading of Article 2 (commencing with Section 4510) of Chapter 10 of Division 2 of, to amend and renumber Sections 4540, 4541, and 4542 of, and to add Sections 4506.5, 4507, 4508, and 4510 to, the Business and Professions Code, relating to psychiatric technicians.

[Approved by Governor August 14, 1968. Filed with Secretary of State August 14, 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 Civil and 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 California Board of Nursing Education and Nurse Registration.

(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 and Psychiatric Technician Examiners of the State of California.

(z) The California State Board of Landscape Architects.

(aa) The Collection Agency Licensing Bureau.

(ab) The Bureau of Electronic Repair Dealer Registration.

(ac) The Bureau of Employment Agencies.

(ad) The Board of Osteopathic Examiners.

(ae) Any other boards, offices, or officers subject to its jurisdiction by law.

SEC. 1.1. Section 2841 of the Business and Professions Code is amended to read:

2841. There is hereby created in the Department of Professional and Vocational Standards a Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, consisting of 11 members.

Within the meaning of this chapter, board, or the board, refers to the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.

SEC. 1.2. Section 2893 of the Business and Professions Code is amended to read:

2893. At least once in every calendar month, the board shall furnish the State Controller a detailed statement of all moneys collected by the board under the provisions of this chapter or from any other source, and, at the same time, shall pay the amount thereof to the State Treasurer. On order of the State Controller, the amount so paid shall be deposited in the State Treasury to the credit of the Vocational Nurse and Psychiatric Technician Examiners Fund.

SEC. 1.3. Section 2894 of the Business and Professions Code is amended to read:

2894. All money in the Vocational Nurse and Psychiatric Technician Examiners Fund is hereby continuously appropriated to the Board of Vocational Nurse and Psychiatric Technician Examiners, without regard to fiscal years, for expenditure in carrying out the provisions of this chapter, including the promotion of nursing education in this state, and for the refund, in accordance with law, of license fees or other moneys paid into the Vocational Nurse and Psychiatric Technician Examiners Fund under the provisions of this chapter.

Claims against the Vocational Nurse and Psychiatric Technician Examiners Fund shall be audited by the State Controller, and shall be paid by the State Treasurer upon warrants drawn by the State Controller.

SEC. 1.4. Section 4501 of the Business and Professions Code is amended to read:

4501. "Board," as used in this chapter, means the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.

SEC. 2. Section 4502 of the Business and Professions Code is amended to read:

4502. As used in this chapter, "psychiatric technician" means any person who, under the direction of a licensed physician or psychiatrist or a registered professional nurse, performs services in caring for and treatment of the mentally ill, emotionally disturbed, or mentally retarded for compensation or personal profit, which services:

(a) Involve responsible nursing and therapeutic procedures for such mentally ill or mentally retarded patients requiring interpersonal and technical skills in the observation and recognition of symptoms and reactions of such patients, and the accurate recording of the same, and the carrying out of treatments and medications as prescribed by a licensed physician or psychiatrist; and

(b) Require the application of such techniques and procedures as involve understanding of cause and effect and the safeguarding of life and health of the patient and others; and

(c) Require the performance of such other duties as are necessary to facilitate rehabilitation of the patient or are necessary in the physical, therapeutic, and psychiatric care of the patient and to require close work with licensed physicians and surgeons, psychiatrists, psychologists, rehabilitation therapists, social workers, registered nurses, and other professional personnel; and

(d) Nothing herein shall authorize a licensed psychiatric technician to practice medicine or surgery or to undertake the prevention, treatment or cure of disease, pain, injury, deformity, or mental or physical condition in violation of the law.

SEC. 3. Section 4505 of the Business and Professions Code is amended to read:

4505. The board may employ whatever personnel is necessary for the administration of this chapter and shall appoint an advisory committee composed of a psychiatric nurse educator, a psychiatrist educator, a public health nurse educator, a licensed psychologist, a dean of curriculum of the junior college system, a psychiatric hospital administrator, a licensed psychiatric technician, and two members of the public at large. Each member of the advisory committee shall serve without compensation, except that he shall be reimbursed for his traveling expenses necessarily incurred in the performance of his duties.

SEC. 4. Section 4506 of the Business and Professions Code is amended to read:

4506. Any person, including persons employed in a hospital operated by the State of California, who presents evidence satisfactory to the board to show that he has performed services described in Section 4502 for a period of not less than two years within the last five years prior to January 1, 1970, shall be deemed to possess the necessary qualifications set forth in subdivisions (c) and (d) of Section 4511.

SEC. 4.5. Section 4506.5 is added to the Business and Professions Code, to read:

4506.5. Notwithstanding any other provision of this chapter, any person who was employed by the State of California during any period of time within the last five years prior to January 1, 1970, in the general classification of psychiatric technician and who at the time of making application for a license is employed by the State of California in the general

classification of psychiatric technician, shall, upon application and payment of the fees prescribed by this chapter, be granted a psychiatric technician's license without an examination.

SEC. 5. Section 4507 is added to the Business and Professions Code, to read:

4507. This chapter shall not apply to registered nurses licensed under the California Board of Nursing Education and Nurse Registration or to vocational nurses licensed under the Board of Vocational Nurse Examiners of the State of California or the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.

SEC. 6. Section 4508 is added to the Business and Professions Code, to read:

4508. This chapter does not prohibit provisions of the services regulated herein with or without compensation or personal profit, when done by the tenets of any well-recognized church or denomination, so long as they do not otherwise engage in the practice set forth in the chapter.

SEC. 7. The heading of Article 2 (commencing with Section 4510) of Chapter 10 of Division 2 of the Business and Professions Code is amended to read:

Article 2. Licensure

SEC. 8. Section 4510 of the Business and Professions Code is amended to read:

4510. The board shall issue a psychiatric technician's license to each applicant who qualifies therefor, and, if required to take it, successfully passes the examination given pursuant to this chapter The board shall also issue a psychiatric technician's license to each holder of a psychiatric technician certificate who qualifies for renewal pursuant to this chapter and who applies for renewal.

SEC. 9. Section 4511 of the Business and Professions Code is amended to read:

4511. An applicant for a psychiatric technician's license shall have the following qualifications

(a) Be at least 18 years of age

(b) Be a citizen of the United States or have indicated an intention to become a citizen of the United States. A statement under oath of citizenship or intention to become a citizen shall be sufficient proof of citizenship or intention to become a citizen.

(c) Have successfully completed an approved general education course of study through the 12th grade or the equivalent thereof as determined by the board.

(d) Have successfully completed a prescribed course of study and training of at least 12 months in length in a school accredited by the board, which course of study and training shall combine the nursing knowledge and skills necessary for the care of any ill person and in addition those special skills necessary for the care of the mentally ill or the mentally re-

tarded, or have completed a course of study and training which in the opinion of the board is equivalent to the minimum requirements of an accredited program for psychiatric technicians in the state.

(e) Have committed no act which, if committed by a licensed psychiatric technician, would be ground for disciplinary action.

SEC. 10. Section 4512 of the Business and Professions Code is amended to read:

4512. An applicant for a psychiatric technician's license shall, upon the filing of his application, pay to the board the application fee prescribed by this chapter.

SEC. 11. Section 4513 of the Business and Professions Code is amended to read:

4513. Unless otherwise provided in this chapter, every applicant for a psychiatric technician's license shall be examined by the board. The examination shall be held at least once a year and at the times and places determined by the board.

SEC. 12. Section 4514 of the Business and Professions Code is amended to read:

4514. Prior to January 1, 1970, any person meeting the requirements of subdivisions (a), (b), and (e) of Section 4511, and possessing the equivalent of the education and training requirements of that section as determined by the board, and who passes an examination given pursuant to Section 4513 shall be issued a license.

SEC. 13. Section 4515 of the Business and Professions Code is amended to read:

4515. Upon written application and receipt of the required application fee the board may issue a license to any applicant who possesses a valid unrevoked license or certificate as a psychiatric technician issued by any other state or a foreign country, and who in the opinion of the board has the qualifications set forth in Section 4511.

SEC. 14. Section 4516 of the Business and Professions Code is amended to read:

4516. Every person licensed under this chapter may be known as a licensed psychiatric technician and may place the letters P.T. after his name.

SEC. 15. Section 4520 of the Business and Professions Code is amended to read:

4520. Every licensed psychiatric technician under this chapter may be disciplined as provided in this article. The disciplinary proceedings shall be conducted by the board in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 16. Section 4521 of the Business and Professions Code is amended to read:

4521. The board may suspend or revoke a license issued under this chapter for any of the following reasons:

(a) Unprofessional conduct, which includes but is not limited to any of the following:

(1) Incompetence or gross negligence in carrying out usual psychiatric technician functions.

(2) A conviction of practicing medicine without a license in violation of Chapter 5 (commencing with Section 2000) of Division 2 of this code, the record of conviction being conclusive evidence thereof.

(3) The use of advertising relating to psychiatric technician services which violates Section 17500 of this code.

(4) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or chiropodist administer to himself or furnish or administer to another, any narcotic as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug as defined in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of the Business and Professions Code.

(5) Use any narcotic as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of Chapter 9 of Divison 2 of the Business and Professions Code, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself, any other person, or the public or to the extent that such use impairs his ability to conduct with safety to the public the practice authorized by his license.

(6) Be convicted of a criminal offense involving the falsification of records concerning prescription, possession, or consumption of any of the substances described in paragraphs (4) and (5) of this subdivision, in which event the record of the conviction is conclusive evidence of such conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix a degree of discipline.

(7) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in paragraphs (4) and (5) of this subdivision, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement.

(8) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in paragraph (4) of this subdivision.

(b) Procuring a certificate or license by fraud, misrepresentation or mistake.

(c) Procuring, or aiding, or abetting, or attempting, or agreeing or offering to procure or assist at a criminal abortion.

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or terms of this chapter.

(e) Giving any false statement or information in connection with an application.

(f) Conviction of a felony or of any offense involving moral turpitude, in which event the record of the conviction shall be conclusive evidence of such conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if such conviction is of an offense involving moral turpitude.

(g) Impersonating any applicant or acting as proxy for an applicant in any examination required by this chapter.

(h) Impersonating another practitioner, or permitting another person to use his certificate or license.

(i) The use of excessive force upon or the mistreatment or abuse of any patient.

(j) Aiding or assisting, or agreeing to aid or assist any person or persons, whether a licensed physician or not, in the performance of or arranging for a violation of any of the provisions of Article 13 (commencing with Section 2360) of Chapter 5 of Division 2 of this code.

SEC. 17. Section 4523 of the Business and Professions Code is amended to read:

4523. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked or may decline to issue a license, when the time for appeal has lapsed, or the judgment or conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

SEC. 18. Section 4540 is added to the Business and Professions Code, to read:

4540. After January 1, 1970, no person shall perform services described in Section 4502 without a license issued under this chapter.

SEC. 19. Section 4540 of the Business and Professions Code is amended and renumbered to read:

4541. It is unlawful for any person to use any title or letters which imply that he is a certified or licensed psychiatric technician unless at the time of so doing he holds a valid, unexpired, and unrevoked certificate or license issued under this chapter.

SEC. 20. Section 4541 of the Business and Professions Code is amended and renumbered to read:

4542. It is unlawful for any person willfully to make any false representation, impersonate any other person, or permit or aid any other person in any manner to impersonate him in connection with any examination or application for a license.

SEC. 21. Section 4542 of the Business and Professions Code is amended and renumbered to read:

4543. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and upon a conviction thereof shall be punished by imprisonment in the county jail for not less than 10 days nor more than one year, or by a fine of not less than ten dollars ($10) nor more than five hundred dollars ($500), or by both such fine and imprisonment.

SEC. 22. Section 4544 of the Business and Professions Code is amended to read:

4544. All licenses expire on December 31 of each year, if not renewed.

To renew an unexpired license the nolder thereof shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

All certificates expire on December 31, 1968. The board shall issue a psychiatric technician's license to each holder of a psychiatric technician certificate who qualifies for renewal pursuant to this chapter and who applies for renewal.

SEC. 23. Section 4545 of the Business and Professions Code is amended to read:

4545. An application for renewal of an expired certificate or an unexpired certificate shall be deemed an application for renewal of, respectively, an expired license or an unexpired license and shall be processed as such.

Except as provided in Section 4545.2, a license which has expired may be renewed at any time within five years after its expiration on filing application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is renewed more than 30 days after its expiration, the holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 4544 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

A certificate which was forfeited for failure to renew under the law in effect before October 1, 1961, shall, for the purposes of this article, be considered to have expired on the date that it became forfeited.

SEC. 24. Section 4545.1 of the Business and Professions Code is amended to read:

4545.1. A suspended certificate is subject to expiration in the same manner as provided in this article for an unsuspended certificate, is subject to renewal in the same manner as provided in this article for an unsuspended certificate, and

is subject to the provisions of this section relating to a suspended license.

A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the license, while it remains suspended and until it is reinstated, to engage in the activity to which the license relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

SEC. 25. Section 4545.2 of the Business and Professions Code is amended to read:

4545.2. A revoked certificate is subject to expiration in the same manner as provided in this article for an unrevoked certificate, but it may not be renewed. An application for reinstatement of a revoked certificate shall be deemed an application for reinstatement of a revoked license and shall be processed as such. The board shall issue a psychiatric technician's license to each holder of a psychiatric technician certificate who qualifies for reinstatement pursuant to this chapter and who applies for reinstatement.

A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the holder of the license shall, as a condition precedent to its reinstatement, pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 26. Section 4545.3 of the Business and Professions Code is amended to read:

4545.3. A certificate and the holder thereof are subject to this section in the same manner as are a license and the holder thereof.

A license which is not renewed within five years after its expiration may not be renewed, restored, reinstated, or reissued thereafter, but the holder may apply for and obtain a new license if:

(a) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension.

(b) He pays all of the fees which would be required of him if he were then applying for a license for the first time, and

(c) He takes and passes the examination, if any, which would be required of him if he were then applying for the license for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to perform the services described in Section 4502.

The board may, by appropriate regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a license is issued without an examination under this section.

SEC. 21. Section 4542 of the Business and Professions Code is amended and renumbered to read:

4543 Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and upon a conviction thereof shall be punished by imprisonment in the county jail for not less than 10 days nor more than one year, or by a fine of not less than ten dollars ($10) nor more than five hundred dollars ($500), or by both such fine and imprisonment.

SEC. 22. Section 4544 of the Business and Professions Code is amended to read:

4544. All licenses expire on December 31 of each year. if not renewed.

To renew an unexpired license the nolder thereof shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

All certificates expire on December 31, 1968. The board shall issue a psychiatric technician's license to each holder of a psychiatric technician certificate who qualifies for renewal pursuant to this chapter and who applies for renewal.

SEC. 23. Section 4545 of the Business and Professions Code is amended to read:

4545. An application for renewal of an expired certificate or an unexpired certificate shall be deemed an application for renewal of, respectively, an expired license or an unexpired license and shall be processed as such.

Except as provided in Section 4545.2, a license which has expired may be renewed at any time within five years after its expiration on filing application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is renewed more than 30 days after its expiration, the holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 4544 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

A certificate which was forfeited for failure to renew under the law in effect before October 1, 1961, shall, for the purposes of this article, be considered to have expired on the date that it became forfeited.

SEC. 24. Section 4545.1 of the Business and Professions Code is amended to read:

4545.1. A suspended certificate is subject to expiration in the same manner as provided in this article for an unsuspended certificate, is subject to renewal in the same manner as provided in this article for an unsuspended certificate, and

is subject to the provisions of this section relating to a suspended license.

A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the license, while it remains suspended and until it is reinstated, to engage in the activity to which the license relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

SEC. 25. Section 4545.2 of the Business and Professions Code is amended to read:

4545.2. A revoked certificate is subject to expiration in the same manner as provided in this article for an unrevoked certificate, but it may not be renewed. An application for reinstatement of a revoked certificate shall be deemed an application for reinstatement of a revoked license and shall be processed as such. The board shall issue a psychiatric technician's license to each holder of a psychiatric technician certificate who qualifies for reinstatement pursuant to this chapter and who applies for reinstatement.

A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the holder of the license shall, as a condition precedent to its reinstatement, pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 26. Section 4545.3 of the Business and Professions Code is amended to read:

4545.3. A certificate and the holder thereof are subject to this section in the same manner as are a license and the holder thereof.

A license which is not renewed within five years after its expiration may not be renewed, restored, reinstated, or reissued thereafter, but the holder may apply for and obtain a new license if:

(a) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension.

(b) He pays all of the fees which would be required of him if he were then applying for a license for the first time, and

(c) He takes and passes the examination, if any, which would be required of him if he were then applying for the license for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to perform the services described in Section 4502.

The board may, by appropriate regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a license is issued without an examination under this section.

SEC. 27. Section 4546 of the Business and Professions Code is amended to read:

4546. The board shall report each month to the State Controller the amount and source of all revenue received by it pursuant to this chapter and at the same time pay the entire amount thereof into the State Treasury for credit to the Vocational Nurse and Psychiatric Technician Examiners Fund.

SEC. 28. Section 4547 of the Business and Professions Code is amended to read:

4547. All expenses incurred in the operation of this chapter shall be paid out of the Vocational Nurse and Psychiatric Technician Examiners Fund from the revenue received by the board under this chapter and deposited in the Vocational Nurse and Psychiatric Technician Examiners Fund. No part of the expenses shall be charged against any funds which are derived from any functions of the board provided for in other chapters of this code.

SEC. 29. Section 4549 of the Business and Professions Code is amended to read:

4549. This chapter shall become inoperative on January 1, 1970, if the revenue derived from this chapter is insufficient to pay for the expenses incurred in the operation of this chapter.

CHAPTER 1324

An act making an appropriation for support of the California Advisory Commission on Marine and Coastal Resources, to take effect immediately, usual current expenses.

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

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

SECTION 1. There is hereby appropriated from the General Fund the sum of twenty-five thousand dollars ($25,000) to the Department of General Services for support of the California Advisory Commission on Marine and Coastal Resources, as provided by Sections 8800 to 8827, inclusive, of the Government Code, in augmentation of Item 49.1 of the Budget Act of 1968.

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 1325

An act to add Part 11 (commencing with Section 99000) to Division 10 of the Public Utilities Code, relating to public transit.

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

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

SECTION 1. Part 11 (commencing with Section 99000) is added to Division 10 of the Public Utilities Code, to read:

PART 11. PROVISIONS APPLICABLE TO ALL PUBLIC TRANSIT

CHAPTER 1. SPECIAL BENEFIT DISTRICTS

99000. Whenever the board of directors of any transit district or rapid transit district finds that areas adjacent to any transit station of the district, exclusive of any right-of-way of a common carrier, receive special benefit by reason of the operation thereof and deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion or repair of any or all improvements, works, property or facilities otherwise authorized by law for such district, or convenient or necessary to carry out the powers of the district, and to provide for such bonded indebtedness to be payable from a special assessment tax levied upon less than all the real property of the district, it shall, by resolution adopted by a vote of two-thirds of all members of the board so declare and state:

(a) The purposes for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to or connected with the accomplishment of such purposes, including, without limitation, engineering, inspection, legal, fiscal agents, financial consultant, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three years thereafter, and expenses of all proceedings for the authorization, issuance and sale of the bonds;

(b) The estimated cost of accomplishing said purposes and the amount of the principal of the indebtedness to be incurred;

(c) That the board intends to form a special benefit district of a portion of the district 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 district, which map shall govern for all details as to the extent of the proposed benefit district, and to call an election in such proposed benefit 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 district for said benefit district;

(d) That assessments for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable land in the benefit district, except for any right-of-way of a common carrier;

(e) The extent to which, if at all, all or a portion of the revenues of the district are to be used to pay the principal of, interest on, and sinking fund payments for, said bonds, including the establishment and maintenance of any reserve fund therefor;

(f) That a general description of the proposed construction area, together with a map showing the exterior boundaries of said proposed benefit district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the district and is available for inspection by any person or persons interested;

(g) The time and place for a hearing by the board on the questions of the formation of said proposed benefit district, the extent thereof, the proposed construction, the estimated cost and the amount of debt to be incurred;

(h) That at the time and place specified in the resolution any person interested, including all persons owning property in the district or in the proposed benefit district, will be heard; and

(i) That at the same time as the board of supervisors is required by law to fix the general tax levy and in the manner provided for such general tax levy, the board of directors shall levy and collect upon all land in the proposed benefit district, except for any right-of-way of a common carrier, an ad valorem assessment at a uniform rate which is sufficient, together with revenues already collected and available therefor, to pay the interest on the said bonds as the same will become due and such part of the principal thereof, including any sinking fund installments required by any of the district's agreements with holders of bonds issued for the benefit district, as will become due before the proceeds of an assessment levied at the time of the next general tax levy will be available for such purposes, and sufficient to provide or to restore such reserve fund to the amount required by any of the district's agreements with holders of bonds issued for the benefit district.

99001. The board of directors of any transit district or rapid transit district may establish one or more special benefit districts within the district pursuant to this chapter. Any special benefit district may contain separate zones, which may consist of either contiguous or noncontiguous areas of land within the district. Each zone within a special benefit district shall be an area adjacent to a transit station which the board determines will receive special benefit by reason of the operation of transit facilities but all zones within a special benefit district need not be adjacent to the same transit station.

99002. Whenever the board of directors of any transit district or rapid transit district finds that areas adjacent to two or more transit stations of the district, exclusive of any right-of-way of a common carrier, receive special benefit by reason of the operation thereof and deems it necessary to form a special benefit district containing two or more zones, in order to incur a bonded indebtedness for the acquisition, construction, completion or repair of any or all improvements, works, property or facilities otherwise authorized by law for such district, or convenient or necessary to carry out the powers of the district, and in order to provide for such bonded indebtedness to be payable from a special assessment tax levied upon less than all the real property of the district, it shall, by a resolution adopted by a vote of two-thirds of all members of the board, declare and state:

(a) The purposes for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to or connected with the accomplishment of such purposes, including, without limitation, engineering, inspection, legal, fiscal agents, financial consultant, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three years thereafter, and expenses of all proceedings for the authorization, issuance and sale of the bonds;

(b) The estimated cost of accomplishing said purposes and the amount of the principal of the indebtedness to be incurred;

(c) That the board intends to form a special benefit district composed of a specified number of zones within a portion of the territory of the district, which in the opinion of the board will be benefited, and that the exterior boundaries of each such zone within the special benefit district are set forth on a map on file with the secretary of the district, which map shall govern for all details as to the extent of the zones within the proposed benefit district;

(d) That the board intends to call an election in all zones of the proposed benefit district on a date to be fixed for the purpose of submitting to the qualified voters of the proposed benefit district the proposition of incurring indebtedness by the issuance of bonds of the district for the special benefit district, which shall be deemed for all purposes to be a single election;

(e) That assessments for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable land in all zones of the benefit district, except for any right-of-way of a common carrier, at a uniform rate to pay the indebtedness of the entire special benefit district;

(f) The extent to which, if at all, all or a portion of the revenues of the district are to be used to pay the principal of, interest on, and sinking fund payments for, said bonds, including the establishment and maintenance of any reserve fund therefor;

(g) That a general description of each proposed construction area, together with a map showing the exterior boundaries of each zone of the benefit district with relation to the territory contiguous thereto and to the proposed improvements, is on file with the secretary of the district and is available for inspection by any person or persons interested;

(h) The time and place for a hearing by the board on the questions of the formation of said proposed benefit district, the extent thereof, the proposed construction, the estimated cost and the amount of debt to be incurred;

(i) That at the time and place specified in the resolution any person interested, including all persons owning property in the district or in the proposed benefit district, will be heard; and

(j) That at the same time as the board of supervisors is required by law to fix the general tax levy and in the manner provided for such general tax levy, the board of directors shall levy and collect upon all land in each zone of the proposed benefit district, except for any right-of-way of a common carrier, an ad valorem assessment at a uniform rate which is sufficient, together with revenues already collected and available therefor, to pay the interest on the said bonds as the same will become due and such part of the principal thereof, including any sinking fund installments required by any of the district's agreements with holders of bonds issued for the benefit district, as will become due before the proceeds of an assessment levied at the time of the next general tax levy will be available for such purposes, and sufficient to provide or to restore such reserve fund to the amount required by any of the district's agreements with holders of bonds issued for the benefit district.

99003. The notice of the time and place of hearing specified in either Section 99000 or Section 99002 shall be given by publishing a copy of the resolution declaring the necessity pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in at least one newspaper published in the district.

99004. 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 district or within the proposed benefit district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity.

99005. The board shall have power to change the purposes for which the proposed debt is to be incurred, or the estimated cost, or the amount of bonded debt to be incurred, or the boundaries of said proposed benefit district or any zone therein, 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 construction. For all purposes of this chapter, it shall

be conclusively presumed that any right-of-way of a common carrier will not be benefited by said construction.

99006. The purposes, estimated cost, amount of bonded debt or boundaries shall not be changed by said board except after notice of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in at least one newspaper published in the district. Said notice shall state the changed purposes and estimated cost 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 district, which map shall govern for all details as to the extent of the proposed benefit district and as to any zone contained therein, and specify the time and place for hearing on such change or changes, which time shall be at least ten days after publication of said notice.

99007. 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 district or the proposed benefit district, may appear and present any matters material to the changes stated in the notice.

99008. 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 purposes for which said proposed debt is to be incurred, the estimated cost of accomplishing said purposes, the amount of the proposed debt, that the exterior boundaries of the portion of the district which will be benefited are set forth on a map on file with the secretary of the district, which map shall govern for all details as to the extent of the benefit district, and that said portion of the district set forth on said map shall thereupon constitute and be known as "Benefit District No. __ of the _____ Transit District," and the determinations made in said resolution shall be final and conclusive.

99009. After the formation of such benefit district within the district and after the assessments have been confirmed pursuant to this chapter, all proceedings for the authorization and issuance of bonds of the district for such benefit district shall be limited and shall apply only to the benefit district; and assessments for the payment of said bonds and the interest thereon, except as otherwise provided in the resolution of necessity, shall be levied exclusively upon the land in the benefit district, except for any right-of-way of a common carrier; and the revenues of the district shall be used only to the extent set forth in the resolution declaring the necessity. If zones have been established within the benefit district, the ad valorem assessment shall be imposed at a uniform rate throughout all zones of the benefit district to pay the principal and interest on all bonds of the district issued for the benefit district.

99010. After the board has made its determination of the matters required to be determined by this chapter, and if the board deems it necessary to incur the bonded indebtedness, the board shall by ordinance call a special election in said benefit district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for said benefit district. Said ordinance shall state:

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

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

(c) The estimated cost of accomplishing said purposes.

(d) The amount of the principal of the indebtedness to be incurred.

(e) The benefit 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 benefit district and all zones contained therein is on file with the secretary of the district, which map shall govern for all details as to the extent of the benefit district.

(f) That assessments for the payment of such bonds and the interest thereon shall be levied exclusively and at a uniform rate upon the land in said benefit district and all zones contained therein, except for any right-of-way of a common carrier; and that revenues of the district shall be used only to the extent set forth in the resolution declaring the necessity.

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

(h) The maximum rate of interest to be paid, which shall not exceed 6 percent per annum.

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

(j) The date of the election.

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

99011. Notice of the holding of such election shall be given by publishing, pursuant to Section 6066 of the Government Code, the ordinance calling the election in at least one newspaper published in such district. No other notice of such election need be given. Except as otherwise provided in the ordinance, the election shall be conducted as other district elections. If a special benefit district has been divided into zones, the votes cast in all zones shall be counted as in the case of a benefit district without such zones to determine the outcome of the election.

99012. If any proposition is defeated by the electors, the board shall not call another election on a substantially similar proposition to be held within six months after the prior election. If a petition requesting submission of such a proposition, signed by 15 percent of the benefit district electors, as shown

by the votes cast for all candidates for governor at the last gubernatorial election, is filed with the board, it may call an election before the expiration of six months.

99013. If 66⅔ percent of the electors in the entire benefit district voting on the proposition vote for it, then the board may, by resolution, at such time or times as it deems proper, issue bonds of the district for the benefit district for the whole or any part of the amount of the indebtedness so authorized and may from time to time, by resolution, provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates and different dates of payment fixed for the bonds of each series. A bond need not mature on an anniversary of its date. The maximum term the bonds of any series shall run before maturity shall not exceed 50 years from the date of each series respectively. In such resolution or resolutions the board shall prescribe the form of the bonds (including, without limitation, registered bonds and coupon bonds) and the form of any coupons to be attached thereto, the registration, conversion and exchange privileges, if any, pertaining thereto, and fix the time when the whole or any part of the principal shall become due and payable.

99014. The bonds shall bear interest at a rate or rates not exceeding 6 percent per annum, payable semiannually, except that the first interest payable on the bonds or any series thereof may be for any period not exceeding one year as determined by the board. In the resolution or resolutions providing for the issuance of such bonds the board may also provide for call and redemption of such bonds prior to maturity at such times and prices and upon such other terms as it may specify, provided that no bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon. The denomination or denominations of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one thousand dollars ($1,000). The principal of and interest on such bonds shall be payable in lawful money of the United States at the office of the treasurer of the district or at such other place or places as may be designated, or at either place or places at the option of the holders of the bonds. The bonds shall be dated, numbered consecutively and shall be signed by the president and treasurer, countersigned by the secretary and the official seal of the district attached. The interest coupons of such bonds shall be signed by the treasurer. All such signatures, countersignatures and seal may be printed, lithographed or mechanically reproduced, except that one of such signatures or countersignatures on the bonds shall be manually affixed. If any officer whose signature or countersignature appears on bonds or coupons ceases to be such officer before the delivery of the bonds, his signature is as effective as if he had remained in office.

99015. The bonds may be sold as the board determines by resolution but for not less than par. Before selling the bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

99016. Delivery of any bonds may be made at any place either inside or outside the state, and the purchase price may be received in cash or bank credits.

99017. All accrued interest and premiums received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds and the remainder of the proceeds of the bonds shall be placed in the treasury to the credit of the proper benefit fund and applied exclusively to the purposes for which the debt was incurred; provided, however, that when said purposes have been accomplished any moneys remaining in such benefit fund (a) shall be transferred to the fund to be used for the payment of principal of and interest on the bonds, or (b) shall be placed in a fund to be used for the purchase of outstanding bonds of the benefit district from time to time in the open market at such prices and in such manner, either at public or private sale or otherwise, as the board may determine. Bonds so purchased shall be canceled immediately.

99018. After the expiration of three years after a bond election the board may determine, by ordinance adopted by a vote of two-thirds of all the members of the board, that any or all of the bonds authorized at said election remaining unsold shall not be issued or sold. When the ordinance takes effect, the authorization to issue said bonds shall become void.

99019. Whenever the board deems that the expenditure of money for the purposes for which the bonds were authorized by the voters is impractical or unwise, it may, by ordinance adopted by a vote of two-thirds of all members of the board, so declare and call an election to be held in the district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of such bonds for some other purposes or, in the case where bonds have been sold, the proposition to use the proceeds for some other purposes. The procedure, so far as applicable, shall be the same as when a bond proposition is originally submitted.

99020. The board may provide for the issuance, sale or exchange of refunding bonds to redeem or retire any bonds issued by the district upon the terms, at the times and in the manner which it determines. Refunding bonds may be issued in a principal amount sufficient to pay all or any part of the principal of such outstanding bonds, the interest thereon and the premiums, if any, due upon call and redemption thereof

prior to maturity and all expenses of such refunding. The provisions of this chapter for issuance and sale of bonds apply to the issuance and sale of such refunding bonds; except that (i) no election need be called or held for the purpose of authorizing the issuance of refunding bonds, and (ii) when refunding bonds are to be exchanged for outstanding bonds the method of exchange shall be as determined by the board.

99021. The provisions of Article 4 (commencing with Section 53500) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code are applicable to the district.

99022. Any bonds which shall be issued under the provisions of this chapter shall be legal investment for all trust funds; for the funds of insurance companies, banks—both commercial and savings—and trust companies; and for state school funds; and whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or other districts within the State of California, such money or funds may be invested in the bonds issued under this part, and whenever bonds of cities, cities and counties, counties, school districts, or other districts within this state may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this part may be so used The provisions of this article shall be in addition to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

99023. Any action or proceeding, wherein the validity of the formation of the benefit district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three (3) months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the benefit district, shall be held to be valid and in every respect legal and incontestable.

99024. If 66⅔ percent of the electors of the benefit district voting on the proposition at the special election called pursuant to Section 99011 have voted in favor of it and the board has issued a resolution for the issuance of bonds and has imposed the assessments, the secretary shall so certify to the assessor of the county or counties in which territory of the benefit district is located and deliver to the assessor copies of all maps and diagrams of the benefit district and the assessments to be levied on the lots or parcels of land therein. The assessments authorized by this chapter shall be levied and collected at the same time and in the same manner by the county or counties as taxes are levied and collected.

99025. The powers granted to transit districts and rapid transit districts by this chapter shall be in addition to any powers otherwise granted to such districts by law.

99026. This part may be cited as "the Mills Act."

CHAPTER 2. LOCAL TRANSPORTATION SYSTEMS

99100. Whenever the legislative body of any city, or the board of supervisors of any city and county owns, a municipal transportation system, either by means of an independent transit authority established by charter or otherwise, and the legislative body or board of supervisors finds that areas adjacent to any station of the transportation system or along the route or lines of the transportation system, exclusive of any right-of-way of a common carrier, receive special benefit by reason of the operation thereof and the legislative body or board of supervisors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion or repair of any or all improvements, works, property or facilities for such system, or convenient or necessary to carry out the purposes of the system, and to provide for such bonded indebtedness to be payable from a special assessment levied upon less than all the real property of the city or city and county, it shall, by a resolution adopted by a vote of two-thirds of all members of the legislative body or board of supervisors, declare and state:

(a) The purposes for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to or connected with the accomplishment of such purposes, including, without limitation, engineering, inspection, legal, fiscal agents, financial consultant, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three years thereafter, and expenses of all proceedings for the authorization, issuance and sale of the bonds;

(b) The estimated cost of accomplishing said purposes and the amount of the principal of the indebtedness to be incurred;

(c) That the legislative body or board of supervisors intends to form a special benefit district of a portion of the territory of the city or city and county which in the opinion of the legislative body or board of supervisors will be benefited, the exterior boundaries of which portion are set forth on a map on file with the clerk of the legislative body or the clerk of the board of supervisors, which map shall govern for all details as to the extent of the proposed benefit district, and to call an election in such proposed benefit 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 city or city and county for said benefit district;

(d) That assessments for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable land in the benefit district, except for any right-of-way of a common carrier;

(e) The extent to which, if at all, all or a portion of the revenues of the city or city and county are to be used to pay the principal of, interest on, and sinking fund payments for,

said bonds, including the establishment and maintenance of any reserve fund therefor;

(f) That a general description of the proposed construction area, together with a map showing the exterior boundaries of said proposed benefit district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the clerk of the legislative body or the clerk of the board of supervisors and is available for inspection by any person or persons interested;

(g) The time and place for a hearing by the legislative body or the board of supervisors on the questions of the formation of said proposed benefit district, the extent thereof, the proposed construction, the estimated cost and the amount of debt to be incurred;

(h) That at the time and place specified in the resolution any person interested, including all persons owning property in the city or city and county or in the proposed benefit district, will be heard; and

(i) That at the same time as the board of supervisors is required by law to fix the general tax levy and in the manner provided for such general tax levy, the legislative body of any city, or the board of supervisors of any city and county shall levy and collect upon all land in the proposed benefit district, except for any right-of-way of a common carrier, an ad valorem assessment at a uniform rate which is sufficient, together with revenues already collected and available therefor, to pay the interest on the said bonds as the same will become due and such part of the principal thereof, including any sinking fund installments required by any of the system's agreements with holders of bonds issued for the benefit district, as will become due before the proceeds of an assessment levied at the time of the next general tax levy will be available for such purposes, and sufficient to provide or to restore such reserve fund to the amount required by any of the system's agreements with holders of bonds issued for the benefit district.

99101. The legislative body of any city or the board of supervisors of any city and county may establish one or more special benefit districts within the city and city and county pursuant to this chapter.

Any special benefit district may contain separate zones, which may consist of either contiguous or noncontiguous areas of land within the city or city and county. Each zone within a special benefit district shall be an area adjacent to a station of the municipal transportation system or along the route or lines of such system which the legislative body or board of supervisors determines will receive special benefit by reason of the operation of transportation facilities but all zones within a special benefit district need not be adjacent to the same station or adjacent to the same portion of the route or lines.

99102. Whenever the legislative body of a city or the board of supervisors of a city and county finds that areas adjacent to two or more stations of the municipal transportation system or adjacent to different portions of the system's route or lines, exclusive of any right-of-way of a common carrier, receive special benefit by reason of the operation of such system and deems it necessary to form a special benefit district containing two or more zones, in order to incur a bonded indebtedness for the acquisition, construction, completion or repair of any or all improvements, works, property or facilities for the municipal transportation system, or convenient or necessary to carry out the functions of the system, and in order to provide for such bonded indebtedness to be payable from a special assessment tax levied upon less than all the real property of the city or city and county, it shall, by a resolution adopted by a vote of two-thirds of all members of the board, declare and state:

(a) The purposes for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to or connected with the accomplishment of such purposes, including, without limitation, engineering, inspection, legal, fiscal agents, financial consultant, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three years thereafter, and expenses of all proceedings for the authorization, issuance and sale of the bonds;

(b) The estimated cost of accomplishing said purposes and the amount of the principal of the indebtedness to be incurred;

(c) That the legislative body or board of supervisors intends to form a special benefit district composed of a specified number of zones within a portion of the territory of the city or city and county, which in the opinion of the legislative body or board of supervisors will be benefited, and that the exterior boundaries of each such zone within the special benefit district are set forth on a map on file with the clerk of the legislative body or board of supervisors, which map shall govern for all details as to the extent of the zones within the proposed benefit district;

(d) That the legislative body or board of supervisors intends to call an election in all zones of the proposed benefit district on a date to be fixed for the purpose of submitting to the qualified voters of the proposed benefit district the proposition of incurring indebtedness by the issuance of bonds of the city or city and county for the special benefit district, which shall be deemed for all purposes to be a single election;

(e) That assessments for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable land in all zones of the benefit district, except for any right-of-way of a common carrier, at a uniform rate to pay the indebtedness of the entire special benefit district;

(f) The extent to which, if at all, all or a portion of the revenues of the city or city and county are to be used to pay the principal of, interest on, and sinking fund payments for,

said bonds, including the establishment and maintenance of any reserve fund therefor;

(g) That a general description of each proposed construction area, together with a map showing the exterior boundaries of each zone of the benefit district with relation to the territory contiguous thereto and to the proposed improvements, is on file with the clerk of the legislative body or board of supervisors and is available for inspection by any person or persons interested;

(h) The time and place for a hearing by the legislative body or board of supervisors on the questions of the formation of said proposed benefit district, the extent thereof, the proposed construction, the estimated cost and the amount of debt to be incurred;

(i) That at the time and place specified in the resolution any person interested, including all persons owning property in the county or city and county or in the proposed benefit district, will be heard; and

(j) That at the same time as the board of supervisors is required by law to fix the general tax levy and in the manner provided for such general tax levy, the legislative body of any city, or the board of supervisors of any city and county shall levy and collect upon all land in the proposed benefit district, except for any right-of-way of a common carrier, an ad valorem assessment at a uniform rate which is sufficient, together with revenues already collected and available therefor, to pay the interest on the said bonds as the same will become due and such part of the principal thereof, including any sinking fund installments required by any of the system's agreements with holders of bonds issued for the benefit district, as will become due before the proceeds of an assessment levied at the time of the next general tax levy will be available for such purposes, and sufficient to provide or to restore such reserve fund to the amount required by any of the system's agreements with holders of bonds issued for the benefit district.

99103. Notice of the time and place of the hearing specified in Section 99100 or 99102 shall be given by publishing a copy of the resolution declaring the necessity pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in at least one newspaper published in the city or city and county.

99104. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the legislative body or board of supervisors shall proceed with the hearing. At the hearing any person interested, including any person owning property within the city or city and county or within the proposed benefit district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity.

99105. The legislative body or board of supervisors shall have power to change the purposes for which the proposed debt is to be incurred, or the estimated cost, or the amount of

bonded debt to be incurred, or the boundaries of said proposed benefit district, or one or all of said matters; provided, however, that the legislative body or board of supervisors shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said construction. For all purposes of this chapter, it shall be conclusively presumed that any right-of-way of a common carrier will not be benefited by said construction.

99106. The purposes, estimated cost, amount of bonded debt or boundaries shall not be changed by the legislative body or board of supervisors, except after notice of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in at least one newspaper published in the city or city and county. Said notice shall state the changed purposes and estimated cost and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the clerk of the legislative body or board of supervisors, which map shall govern for all details as to the extent of the proposed benefit district and as to any zone contained therein, and specify the time and place for hearing on such change or changes, which time shall be at least 10 days after publication of said notice.

99107. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the legislative body or board of supervisors shall proceed with the hearing. At the hearing any person interested, including any person owning property within the city or city and county or the proposed benefit district, may appear and present any matters material to the changes stated in the notice.

99108. At the conclusion of the hearing, the legislative body or board of supervisors shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purposes for which said proposed debt is to be incurred, the estimated cost of accomplishing said purposes, the amount of the proposed debt, that the exterior boundaries of the portion of the district which will be benefited are set forth on a map on file with the clerk of the legislative body or the board of supervisors, which map shall govern for all details as to the extent of the benefit district, and that said portion of the district set forth on said map shall thereupon constitute and be known as "Benefit District No. __ of the _____" and the determinations made in said resolution shall be final and conclusive

99109. After the formation of such benefit district within the city or city and county and after the assessments have been confirmed pursuant to this chapter, all proceedings for the authorization and issuance of bonds of the city or city and county for such benefit district shall be limited and shall apply only to the benefit district; and assessments for the payment of said bonds and the interest thereon, except as otherwise provided in the resolution of necessity, shall be levied exclusively upon the land in the benefit district; except for any right-of-

way of a common carrier; and the revenues of the city or city and county shall be used only to the extent set forth in the resolution declaring the necessity. If zones have been established within the benefit district, the ad valorem assessment shall be imposed at a uniform rate throughout all zones of the benefit district to pay the principal and interest on all bonds of the city or city and county issued for the benefit district.

99110. After the legislative body or board of supervisors has made its determination of the matters required to be determined by this chapter, and if the legislative body or board of supervisors deems it necessary to incur the bonded indebtedness, the legislative body or board of supervisors shall by ordinance call a special election in said benefit district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for said benefit district. Said ordinance shall state:

(a) That the legislative body or board of supervisors deems it necessary to incur the bonded indebtedness.

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

(c) The estimated cost of accomplishing said purposes.

(d) The amount of the principal of the indebtedness to be incurred.

(e) The benefit 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 benefit district and all zones contained therein is on file with the clerk of the legislative body or board of supervisors, which map shall govern for all details as to the extent of the benefit district.

(f) That assessments for the payment of such bonds and the interest thereon shall be levied exclusively and at a uniform rate upon the land in said benefit district and all zones contained therein, except for any right-of-way of a common carrier; and that revenues of the city or city and county shall be used only to the extent set forth in the resolution declaring the necessity.

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

(h) The maximum rate of interest to be paid, which shall not exceed 6 percent per annum.

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

(j) The date of the election.

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

99111. Notice of the holding of such election shall be given by publishing, pursuant to Section 6066 of the Government Code, the ordinance calling the election in at least one newspaper published in such city or city and county. No other notice of such election need be given. Except as otherwise provided in the ordinance, the election shall be conducted as

other city or city and county elections. If a special benefit district has been divided into zones, the votes cast in all zones shall be counted as in the case of a benefit district without such zones to determine the outcome of the election.

99112. If any proposition is defeated by the electors, the legislative body or board of supervisors shall not call another election on a substantially similar proposition to be held within six months after the prior election. If a petition requesting submission of such a proposition, signed by 15 percent of the benefit district electors, as shown by the votes cast for all candidates for governor at the last gubernatorial election, is filed with the legislative body or board of supervisors, it may call an election before the expiration of six months.

99113. If 66⅔ percent of the electors in the entire benefit district voting on the proposition vote for it, then the legislative body or board of supervisors may, by resolution, at such time or times as it deems proper, issue bonds of the city or city and county for the benefit district for the whole or any part of the amount of the indebtedness so authorized and may from time to time, by resolution, provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates and different dates of payment fixed for the bonds of each series. A bond need not mature on an anniversary of its date. The maximum term the bonds of any series shall run before maturity shall not exceed 50 years from the date of each series respectively. In such resolution or resolutions the legislative body or board of supervisors shall prescribe the form of the bonds (including, without limitation, registered bonds and coupon bonds) and the form of any coupons to be attached thereto, the registration, conversion and exchange privileges, if any, pertaining thereto, and fix the time when the whole or any part of the principal shall become due and payable.

99114. The bonds shall bear interest at a rate or rates not exceeding 6 percent per annum, payable semiannually, except that the first interest payable on the bonds or any series thereof may be for any period not exceeding one year as determined by the legislative body or board of supervisors. In the resolution or resolutions providing for the issuance of such bonds the legislative body or board of supervisors may also provide for call and redemption of such bonds prior to maturity at such times and prices and upon such other terms as it may specify, provided that no bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon. The denomination or denominations of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one thousand dollars ($1,000). The principal of and interest on such bonds shall be payable in lawful money

of the United States at the office of the treasurer of the city or city and county or at such other place or places as may be designated, or at either place or places at the option of holders of the bonds. The bonds shall be dated, numbered consecutively and shall be signed by the mayor and treasurer, countersigned by the secretary and the official seal of the city or city and county attached. The interest coupons of such bonds shall be signed by the treasurer. All such signatures, countersignatures and seal may be printed, lithographed or mechanically reproduced, except that one of such signatures or countersignatures on the bonds shall be manually affixed. If any officer whose signature or countersignature appears on bonds or coupons ceases to be such officer before the delivery of the bonds, his signature is as effective as if he had remained in office.

99115. The bonds may be sold as the legislative body or board of supervisors determines by resolution but for not less than par. Before selling the bonds, or any part thereof, the legislative body or board of supervisors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the legislative body or board of supervisors determines that the bids received are not satisfactory as to price or responsibility of the bidders the legislative body or board of supervisors may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

99116. Delivery of any bonds may be made at any place either inside or outside the state, and the purchase price may be received in cash or bank credits.

99117. All accrued interest and premiums received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds and the remainder of the proceeds of the bonds shall be placed in the treasury to the credit of the proper benefit fund and applied exclusively to the purposes for which the debt was incurred; provided, however, that when said purposes have been accomplished any moneys remaining in such benefit fund (a) shall be transferred to the fund to be used for the payment of principal of and interest on the bonds, or (b) shall be placed in a fund to be used for the purchase of outstanding bonds of the benefit district from time to time in the open market at such prices and in such manner, either at public or private sale or otherwise, as the legislative body or board of supervisors may determine. Bonds so purchased shall be canceled immediately.

99118. After the expiration of three years after a bond election the legislative body or board of supervisors may determine, by ordinance adopted by a vote of two-thirds of all the members of the legislative body or board of supervisors, that any or all of the bonds authorized at said election remaining unsold shall not be issued or sold. When the ordinance takes effect, the authorization to issue said bonds shall become void.

99119. Whenever the legislative body or board of supervisors deems that the expenditure of money for the purposes for which the bonds were authorized by the voters is impractical or unwise, it may, by ordinance adopted by a vote of two-thirds of all members of the legislative body or board of supervisors, so declare and call an election to be held in the benefit district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of such bonds for some other purposes or, in the case where bonds have been sold, the proposition to use the proceeds for some other purposes. The procedure, so far as applicable, shall be the same as when a bond proposition is originally submitted.

99120. The legislative body or board of supervisors may provide for the issuance, sale or exchange of refunding bonds to redeem or retire any bonds issued by the city or city and county upon the terms, at the times and in the manner which it determines. Refunding bonds may be issued in a principal amount sufficient to pay all or any part of the principal of such outstanding bonds, the interest thereon and the premiums, if any, due upon call and redemption thereof prior to maturity and all expenses of such refunding. The provisions of this chapter for issuance and sale of bonds apply to the issuance and sale of such refunding bonds; except that (i) no election need be called or held for the purpose of authorizing the issuance of refunding bonds, and (ii) when refunding bonds are to be exchanged for outstanding bonds the method of exchange shall be as determined by the legislative body or board of supervisors.

99121. The provisions of Article 4 (commencing with Section 53500) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code are applicable to a city or city and county issuing bonds pursuant to the authorization provided in this chapter.

99122. Any bonds which shall be issued under the provisions of this chapter shall be legal investment for all trust funds; for the funds of insurance companies, banks—both commercial and savings—and trust companies; and for state school funds; and whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or other districts within the State of California, such money or funds may be invested in the bonds issued under this chapter, and whenever bonds of cities, cities and counties, counties, school districts, or other districts, within this state may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this chapter may be so used. The provisions of this chapter shall be in addition to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

99123. Any action or proceeding, wherein the validity of the formation of the benefit 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 benefit district, shall be held to be valid and in every respect legal and incontestable.

99124. If 66⅔ percent of the electors of the benefit district voting on the proposition at the special election called pursuant to Section 99111 have voted in favor of it and the legislative body or board of supervisors has issued a resolution for the issuance of bonds and has imposed the assessments, the clerk of the legislative body or the board of supervisors shall so certify to the assessor of the county and deliver to the assessor copies of all maps and diagrams of the benefit district and the assessments to be levied on the lots or parcels of land therein. The assessments authorized by this chapter shall be levied and collected at the same time and in the same manner by the county as taxes are levied and collected.

99125. Notwithstanding any other provision of this chapter, no city nor city and county shall pledge any portion of its general fund revenues to pay any part of any bonded indebtedness unless the provisions of Section 18 of Article XI of the Constitution of the State of California are complied with.

CHAPTER 1326

An act to add Section 18102.4 to the Education Code, relating to special education.

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

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

SECTION 1. Section 18102.4 is added to the Education Code, to read:

18102.4. As used in Section 18102, "special day classes" includes integrated programs of instruction for physically handicapped children including those handicapped in vision or hearing where the services of a qualified special teacher are provided.

An integrated program of instruction for physically handicapped children including those handicapped in vision or hearing shall be defined as any program in which such physically handicapped children receive their education in regular classrooms from regular classroom teachers, but receive, in addition, supplementary teaching services of a full-time special teacher, possessing a valid credential to teach exceptional children of the type enrolled in the program. Such supplementary teaching

services may include instruction in the appropriate tool skills, the provision of special materials and use of appropriate special equipment, and counseling and guidance necessary to enable physically handicapped children and those handicapped in vision and hearing to benefit fully from their instruction.

As used in this section, physically handicapped children means those physically handicapped children who are deemed eligible for special class placement as defined by the State Board of Education.

CHAPTER 1327

An act to add Chapter 7 (commencing with Section 11700) to Part 1 of Division 3 of Title 2 of the Government Code, relating to electronic data processing, and making an appropriation therefor.

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

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

SECTION 1. Chapter 7 (commencing with Section 11700) is added to Part 1 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 7. ELECTRONIC DATA PROCESSING

Article 1. Policy

11700. The Legislature finds that electronic data processing technology is an indispensable tool of modern government for the rapid and efficient handling of data, records, information and transactions, and for assisting decisionmakers in carrying out their tasks and responsibilities at all levels of government. Electronic data processing is defined as the process that encompasses all computerized and auxiliary automated information handling, including systems analysis and design, conversion of data, computer programming, information storage and retrieval, data transmission, requisite system controls, simulation, and all the related man-machine interaction. Effective and economical use of this management tool requires comprehensive planning; coordination and cooperation among agencies and levels of government; sound policies; effective implementation practices; and adequate management controls.

11701. It is the intent of the Legislature:

(a) That there be specific objectives and definitive policies to guide the development of electronic data processing systems, procedures, and techniques within the governmental sector;

(b) That policies and plans developed within state government recognize fully the interrelationships and impact of state activities on local governments and on agencies of the federal

government, and that such policies and plans represent the best interests of all of California's citizens;

(c) That there be a master plan for the use of electronic data processing within state government, encompassing both short-term and long-range needs, and that this plan be continually updated;

(d) That the master plan provide for consolidation and optimum utilization of electronic data processing equipment, maximum practical integration of electronic data processing systems; the establishment of service centers, as required, to provide data processing services to units of state government not included in consolidation plans; adherence to standards insuring appropriate compatibility of systems and interchange of data and information; and proper management controls to insure the most efficient effective and economical use of the state's resources for electronic data processing;

(e) That a goal of any consolidation be to create functional information systems which are designed to process and provide information related to particular broad areas of subject matter;

(f) That the ultimate goal of this state is information systems that provide the most effective means of data storage, retrieval and exchange between units and agencies of state and local governments;

(g) It is not the intention of the Legislature to authorize through this enactment any new systems or related personnel without specific budgetary authorization after evaluation of cost, utility, and need through normal channels of technical and budgetary approval;

(h) That appropriate criteria be developed for cost sharing and evaluation of effectiveness for the utilization of electronic data processing systems; and

(i) That such goals as one-time collection of data, minimum duplication of records, and maximum availability of information at lowest overall cost will not jeopardize or compromise the confidentiality of information as provided by statute or the protection of the right of individual privacy as established by law.

Article 2. Intergovernmental Board on Electronic Data Processing

11710 There is in the state government an Intergovernmental Board on Electronic Data Processing, hereafter referred to as the board.

It shall consist of 12 members and alternates appointed by the Governor with four members from state government representing the Transportation Agency, the Resources Agency, the Health and Welfare Agency, and the Department of Agriculture, three members representing county governments, three members representing city governments, and two members representing school districts. County representatives will be selected from among candidates nominated by the County

Supervisors Association of California. City representatives will be selected from among candidates nominated by the League of California Cities. One school district representative will be selected from among candidates nominated by the California Association of School Administrators; the other will be selected from among candidates nominated by the California School Boards Association. Each of the state government agencies represented will have a designated alternate. The counties collectively will have a designated alternate, as will the cities collectively and the school districts collectively. Alternates may attend all meetings and will have full voting power in the absence of a regular member whom the alternate represents. The board will elect its own chairman. Members of the board shall receive no compensation for their services, except for the chairman who shall be reimbursed for his expenses actually and necessarily incurred by him in the performance of his duties under this act.

11711. The functions and responsibilities of the Intergovernmental Board on Electronic Data Processing are:

(a) Establish the goals and objectives for intergovernmental information systems in California;

(b) Establish general policies governing coordination, cooperation, joint efforts, working relationships, and cost sharing relative to development and maintenance of intergovernmental information systems;

(c) Establish priorities (in terms of both importance and time sequencing) for development and implementation of intergovernmental information systems;

(d) Establish the means whereby counties, cities, school districts, and the state government and other public agencies may approve statewide goals, policies, and plans for intergovernmental information systems;

(e) Coordinate the development and implementation of minimum standards of compatibility of procedures, programming languages, codes, and media to facilitate the exchange of information within and among systems and an eventual goal of integrated, statewide information systems providing optimum service to all levels of government;

(f) Recommend any legislation required to insure the protection of individual privacy and the necessary confidentiality of information becoming part of an intergovernmental information system;

(g) Review and comment upon applications for grants-in-aid for planning, development, and implementation of programs with potential significant impact on intergovernmental information systems;

(h) Represent the interests of the public agencies in California to insure that any federal standards shall be flexible enough to allow for the cooperative and coordinated approach undertaken in this state in relation to intergovernmental information systems;

(i) Provide advice to the Governor and Legislature on long-range policies, programs, and plans relative to intergovernmental information systems; and

(j) Review and comment upon policies affecting intergovernmental information exchange established by the State Electronic Data Processing Policy Committee.

11712. The board shall report annually to the Governor, the Legislature, and to all organizations which it represents, during the regular session of the Legislature. The report shall include information on the board's activities, accomplishments, plans, and recommendations.

11713. The board shall have the authority to:

(a) Implement fully and carry out the functions and responsibilities set forth in Section 11711;

(b) Select and recommend for appointment by the Governor an executive secretary and other necessary staff support;

(c) Receive and disburse funds, including the acquisition and administration of grants-in-aid and the contracting for services, the purpose of which is to advance the work of the board as previously defined;

(d) Appoint such advisory groups as may be necessary to carry out its function;

(e) Be the hearing body to consider and recommend solutions to unreconciled systems conflicts which may arise between levels or units of government.

Article 3. State Electronic Data Processing Policy Committee

11720. There is in the state government a State Electronic Data Processing Policy Committee, hereafter referred to as the policy committee.

It shall consist of the Lieutenant Governor; the Attorney General; the Treasurer; the Controller; the Secretary of State; the State Superintendent of Public Instruction; a representative of the Board of Equalization chosen by its membership; a Member of the Senate to be appointed by the Senate Rules Committee; a Member of the Assembly to be appointed by the Speaker of the Assembly; the chairman of the Intergovernmental Board on Electronic Data Processing; three representatives of private industry to be appointed by the Governor; the administrators of the Transportation, Health and Welfare, and Resources Agencies; and the directors of the Departments of Finance, General Services and Agriculture. The chairman of the policy committee shall be designated by the Governor. The Director of the Office of Management Services will serve as the executive secretary of the policy committee. The legislative members shall participate in the work of the policy committee to the extent that such participation is not incompatible with their positions as Members of the Legislature.

11721. The functions and responsibilities of the policy committee are to:

(a) Review and accept or reject recommendations formulated and proposed by the Office of Management Services, including policies, procedures, standards, and a master plan for optimum utilization of electronic data processing systems for state government. The recommendations submitted by the Office of Management Services must consider requirements, as well as suggestions, of other units within state government. In addition, policy committee members may originate recommendations for consideration by the committee as a whole;

(b) Provide advice to the Governor and Legislature on long-range management services plans, programs and policies;

(c) Review policies for intergovernmental information exchange established by the Intergovernmental Board on Electronic Data Processing;

(d) Act on reports submitted by the Office of Management Services on the evaluation of operational effectiveness and performance of electronic data processing utilization in the state government; and

(e) Submit an annual report of activities and recommendations to the Governor and to the Legislature at each regular session of the Legislature.

Article 4. Office of Management Services

11730. There is in the state government an Office of Management Services. The organizational placement of this office shall be at the discretion of the Governor until January 1, 1971, when the Office of Management Services shall become a unit of the Department of Finance. The Office of Management Services shall be staffed by a director appointed by the Governor; a deputy director; and a small group of specialists in the information sciences, cost effectiveness, and systems planning.

11731. The functions of the Office of Management Services are:

(a) To develop a short-range master plan to operate until June 30, 1969, and a long-range master plan that will provide optimum utilization of electronic data processing systems for state government;

(b) To develop recommendations to be submitted to the State Electronic Data Processing Policy Committee concerning electronic data processing policies, procedures and standards;

(c) To maintain continued evaluation of operational effectiveness and performance (including costs) of electronic data processing applications in state government;

(d) To serve as general adviser to the state on policy and planning matters pertaining to information systems and data processing; and

(e) To work closely with the Intergovernmental Board on Electronic Data Processing, including assisting in the develop-

ment of statewide policies for intergovernmental information exchange. In addition, to provide facilities and services to the Intergovernmental Board on Electronic Data Processing as mutually agreed upon by the Office of Management Services and the intergovernmental board.

11732. The State Electronic Data Processing Policy Committee, on the recommendation of the Office of Management Services, is authorized to retain and employ specialized consultants on a contract basis.

11733. The operating expenses of the Office of Management Services are subject to pro rata fiscal cost distribution.

SEC. 2. The sum of thirty thousand dollars ($30,000) is hereby appropriated from the General Fund to the Intergovernmental Board on Electronic Data Processing for the purposes of this act.

SEC 3 The State Electronic Data Processing Policy Committee created by Article 3 (commencing with Section 11720) of Chapter 7 of Part 1 of Division 3 of Title 2 of the Government Code shall cease to exist on January 1, 1971.

CHAPTER 1328

An act to add Section 1241.7 to the Code of Civil Procedure, and to add Section 210.1 to the Streets and Highways Code, relating to eminent domain.

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

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

SECTION 1. Section 1241.7 is added to the Code of Civil Procedure, to read:

1241.7. (a) Except as provided in subdivision (b), notwithstanding any other provision of law to the contrary, the fact that property is appropriated for public use as a state, regional, county, or city park establishes a rebuttable presumption of its having been appropriated for the best and most necessary public use. The presumption established by this section is a presumption affecting the burden of proof.

(b) When property appropriated for a public use as a state, regional, county, or city park is sought to be acquired for state highway purposes, and such park was dedicated to or established for park purposes prior to the initiation of highway route location studies, an action for declaratory relief may be brought only by the public agency owning such park in the superior court to determine the question of which public use is the best and most necessary public use for such property. Such action for declaratory relief shall be filed and served within 120 days after written notice to the public agency owning such park by the California Highway Commission that a

proposed route or an adopted route includes park land owned by that agency. In such declaratory relief action, the resolution of the commission shall not be conclusive evidence of the matters set forth in Section 103 of the Streets and Highways Code. Such action for declaratory relief shall have preference over all other civil actions in the matter of setting the same for hearing or trial to the end that any such action shall be quickly heard and determined. If an action for declaratory relief is not filed and served within such 120-day period, the right to bring such action is waived and the provisions of subdivision (a) shall not apply. When a declaratory relief action, with respect to such property being sought for highway purposes, may not be brought pursuant to this subdivision, the provisions of subdivision (a) of this section shall not apply.

SEC. 2. Section 210.1 is added to the Streets and Highways Code, to read:

210.1. (a) The department and the commission, in the planning and design of highway projects, shall attempt to avoid using lands for public parks, and where such lands are necessary for state highway purposes shall attempt to minimize the intrusion or impact on such parks by special design, construction and landscape treatment so that the highway will be harmonious with the environment. The department shall coordinate and confer with appropriate public agencies responsible for park development during the route planning, design and construction phase of a state highway project. The feasibility of bypassing a public park by an alternative route shall be studied and included in the report of alternate route studies to the commission.

(b) Public agencies having jurisdiction over parks shall, in their planning and location of parks, consider present and future needs for safe and modern highway transportation, including highway access to such parks, and shall coordinate their planning with public agencies having jurisdiction over streets and highways so that conflicts are minimized and the public interest is best served.

CHAPTER 1329

An act to amend Sections 9040, 9041, 9042, 9043, 9045, 9046, 9047, 9048, 9049, 9050, and 9051 of, and to add Sections 9052, 9053, 9054, 9055, 9056, and 9057 to, the Business and Professions Code, relating to social workers.

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

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

SECTION 1. Section 9040 of the Business and Professions Code is amended to read:

9040. Only individuals who have received a license under this article may style themselves as "Licensed Clinical Social Workers." Every individual who styles himself or holds himself out to be a licensed clinical social worker, or uses any words or symbols indicating or tending to indicate that he is a licensed clinical social worker, without holding his license in good standing under this article, is guilty of a misdemeanor.

On and after July 1, 1969, it is unlawful for any person to engage in the practice of clinical social work unless at the time of so doing such person holds a valid, unexpired, and unrevoked license under this article.

SEC. 2. Section 9041 of the Business and Professions Code is amended to read:

9041. The board shall issue a licensed clinical social worker license to each applicant who qualifies therefor, and if required to take it, successfully passes the examination given pursuant to this article.

SEC. 2.5. Section 9042 of the Business and Professions Code is amended to read:

9042. Each applicant shall furnish evidence satisfactory to the board that he complies with all the following requirements:

(a) Is at least 21 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States, or has declared his intention to become a citizen. A statement by the applicant, under oath, that he is a citizen or that he intends to apply for citizenship when he becomes eligible, shall be sufficient proof of compliance with this subdivision.

(d) Has received a master's degree from an accredited school of social work.

(e) Has had two years of full-time experience acceptable to the board in the use of psychosocial and psychotherapeutic methods and measures in a hospital, clinic or agency. One year of such experience shall have been in a hospital, clinic, or agency in which the applicant, under professional supervision, has employed such methods and measures.

(f) Has not committed any of the offenses set forth in Section 9028.

SEC. 3. Section 9043 of the Business and Professions Code is amended to read:

9043. Each application shall be accompanied with a fee of fifty dollars ($50), which shall be deposited by the board into the State Treasury to the credit of the Licensed Clinical Social Workers Fund, which fund is hereby created. All sums in the Licensed Clinical Social Workers Fund are continuously appropriated to the board, to be expended by it to carry out the purposes of this article.

SEC. 4. Section 9045 of the Business and Professions Code is amended to read:

9045. Except as provided in Section 9046, every applicant who is issued a clinical social worker license, shall be examined

by the board. The examination shall be held at least once a year and at a time and place as determined by the board.

SEC. 5. Section 9046 of the Business and Professions Code is amended to read:

9046. Prior to July 1, 1969, any person meeting the requirements of Section 9042, and as determined by the board, possessing the equivalent of the education and training requirements of that section, shall, on application, be issued a license.

SEC. 6. Section 9047 of the Business and Professions Code is amended to read:

9047. The board shall issue a license to each applicant meeting the requirements of this article, which license, so long as the annual renewal fees thereof have been paid, entitles holder thereof to use the title of licensed clinical social worker and to engage in the practice of clinical social work as defined in Section 9049.

SEC. 7. Section 9048 of the Business and Professions Code is amended to read:

9048. A renewal fee in the sum of ten dollars ($10) shall be charged and collected annually by the board prior to the last day of March of each calendar year. Such fees shall be deposited in the State Treasury to the credit of the Licensed Clinical Social Workers Fund. A five dollars ($5) delinquency fee shall be added to the renewal fee when such renewal fee is not received by the board prior to the last day of March of each calendar year. Any person who permits his license to become delinquent may have it restored only upon the payment of all fees which he would have paid if the license had not become delinquent plus the payment of the delinquency fee.

SEC. 8. Section 9049 of the Business and Professions Code is amended to read:

9049. The practice of clinical social work is defined as a service in which a special knowledge of social resources, human capabilities, and the part that unconscious motivation plays in determining behavior, is directed at helping people to achieve more adequate, satisfying and productive social adjustments. The application of social work principles and methods includes, but is not restricted to, counseling and using applied psychotherapy of a nonmedical nature with individuals, families and groups, providing information and referral services, providing or arranging for the provision of social services, explaining and interpreting the psychosocial aspects in the situations of individuals, families or groups, helping communities to organize, to provide, or improve social and health services, and doing research related to social work.

Psychotherapy, within the meaning of this chapter, is the use of psychosocial methods within a professional relationship, to assist the person or persons to achieve a better psychosocial adaptation, to acquire greater human realization of psychosocial potential and adaptation, to modify internal and ex-

ternal conditions which affect individuals, groups, or communities in respect to behavior, emotions, and thinking, in respect to their intrapersonal and interpersonal processes.

SEC. 9. Section 9050 of the Business and Professions Code is amended to read:

9050. The provisions of this article shall be construed only as provisions relating to the examination and licensing of clinical social workers.

SEC. 10. Section 9051 of the Business and Professions Code is amended to read:

9051. The board may suspend or revoke the license of any person who is guilty on the grounds set forth in Section 9028 The proceedings for the suspension or revocation of licenses under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 11. Section 9052 is added to the Business and Professions Code, to read:

9052. Nothing contained in this article shall be construed to prevent qualified members of other professional groups from doing work of a psychosocial nature consistent with the standards and ethics of their respective professions, provided that they shall not hold themselves out to the public by any title or description of services incorporating the words psychosocial, or clinical social worker, or that they shall not state or imply that they are licensed to practice clinical social work. These qualified members of other professional groups include, but are not limited to, the following:

(a) A physician and surgeon certified pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of this code.

(b) A psychologist licensed pursuant to Chapter 6.6 (commencing with Section 2900) of Division 2 of this code.

(c) Members of the State Bar of California.

(d) Marriage, family or child counselors licensed pursuant to Chapter 4 (commencing with Section 17800) of Part 3 of Division 7 of this code.

(e) A priest, rabbi, or minister of the gospel of any religious denomination.

SEC. 12. Section 9053 is added to the Business and Professions Code, to read:

9053. Nothing in this chapter shall be construed as restricting or preventing activities of a psychosocial nature or the use of the official title of the position for which they are employed on the part of the following persons, provided that such persons are performing those activities as part of the duties for which they are employed or solely within the confines or under the jurisdiction of the organization in which they are employed. Also, that they shall not offer to render clinical social work services, as defined in Section 9049, to the public for a fee, monetary or otherwise, over and above the salary

they receive for the performance of their official duties with the organization in which they are employed:

(a) Persons employed by the Department of Health, Education and Welfare.

(b) Persons employed in family and children services agencies.

(c) Individuals employed in proprietary and nonproprietary private psychiatric clinics.

(d) Individuals employed in accredited colleges, junior colleges or universities.

(e) Individuals employed in federal, state, county or municipal governmental organizations, or nonprofit organizations which are engaged in research, education, and services which services are defined by a board composed of community representatives and professionals.

(f) Persons utilizing hypnotic techniques by referral from persons licensed to practice medicine, dentistry, or psychology, or persons utilizing hypnotic techniques which offer avocational or vocational self-improvement and do not offer therapy for emotional or mental disorders.

SEC. 13. Section 9054 is added to the Business and Professions Code, to read:

9054. Nothing in this article shall be construed to restrict or prevent activities of a psychosocial nature on the part of persons employed by accredited academic institutions, public schools, government agencies, or nonprofit institutions engaged in the training of graduate students or social work interns pursuing the course of study leading to a master's degree in social work in an accredited college or university, or working in a recognized training program, provided that these activities and services constitute a part of a supervised course of study and that such persons are designated by such titles as social work interns, social work trainees, or other such title clearly indicating the training status appropriate to their level of training. The term social work intern, however, shall be reserved for persons enrolled in a master's or doctoral training program in social work in an accredited school or department of social work.

SEC. 14. Section 9055 is added to the Business and Professions Code, to read:

9055. Nothing in this article shall be construed as restricting a person or persons from another state, from offering clinical social work services, in this state, provided such services are performed for no more than five days in any calendar month. If such person meets the qualifications and requirements stated in Section 9042 and resides in a state or territory of the United States, or foreign country, or province which does not grant a certification or license to clinical social workers, he may offer clinical social work services in this state for a total of not more than 30 days in any calendar year without being licensed under this chapter.

SEC. 15. Section 9056 is added to the Business and Professions Code, to read:

9056. A person other than a licensed clinical social worker may be employed by a licensed clinical social worker, a licensed psychologist, or a licensed physician and surgeon, who is certified by the board in psychiatry and neurology of the American Medical Association, to perform limited social work functions provided that:

(a) Such person is a registered social worker in the State of California, or has a master's degree from an accredited school or department of social work.

(b) Such person is at all times under the supervision of a licensed clinical social worker, a licensed psychologist, or a board certified psychiatrist who shall be responsible for insuring that the extent, kind, and quality of the social work services he performs are consistent with his training and experience and be responsible for his compliance with the provisions of this chapter, and the regulations adopted pursuant to this chapter and including those provisions set forth in Section 9051.

SEC. 16. Section 9057 is added to the Business and Professions Code, to read:

9057. Notwithstanding any other provisions of this article, any person who, prior to the effective date of this section, has been granted a certificate as a clinical social worker under this article shall, on written application to the board, be granted a license under this chapter.

SEC. 17. Section 9043 of the Business and Professions Code, is amended to read:

9043. Each application shall be accompanied with a fee of fifty dollars ($50), which shall be deposited by the board into the State Treasury to the credit of the Social Worker and Marriage Counselor Fund.

On the effective date of the amendment made to this section at the 1968 Regular Session of the Legislature, the unencumbered balance of any funds in the Certified Clinical Social Workers Fund shall be transferred to the Social Worker and Marriage Counselor Fund and shall be expended by the Social Worker and Marriage Counselor Qualifications Board to carry out the purposes of this chapter.

SEC. 18. Section 9048 of the Business and Professions Code is amended to read:

9048. A renewal fee in the sum of ten dollars ($10) shall be charged and collected annually by the board prior to the last day of March of each calendar year. Such fees shall be deposited in the State Treasury to the credit of the Social Worker and Marriage Counselor Fund. A five dollars ($5) delinquency fee shall be added to the renewal fee when such renewal fee is not received by the board prior to the last day of March of each calendar year. Any person who permits his license to become delinquent may have it restored only upon the payment of all fees which he would have paid if the license

had not become delinquent plus the payment of the delinquency fee.

SEC. 19. It is the intention of the Legislature, if amendments to Sections 9043 and 9048 of the Business and Professions Code proposed by both this bill and Assembly Bill 1494 are enacted, that both amendments be given effect and incorporated in Sections 9043 and 9048 in the form set forth in Sections 17 and 18 of this act. Therefore, in the event Assembly Bill 1494 is enacted and amends Sections 9043 and 9048, Sections 17 and 18 of this act shall become operative at the same time that Sections 9043 and 9048 as amended by Assembly Bill 1494 become operative, and at that time, Section 9043 of the Business and Professions Code as amended by Section 3 of this act and Section 9048 of the Business and Professions Code as amended by Section 7 of this act are repealed.

CHAPTER 1330

An act to add Section 1407.5 to the Health and Safety Code, relating to hospitals.

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

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

SECTION 1. Section 1407.5 is added to the Health and Safety Code, to read:

1407.5. Emergency services and care shall be provided to any person requesting such services or care, or for whom such services or care is requested, for any condition in which the person is in danger of loss of life, at any hospital licensed under this chapter that maintains and operates an emergency department to provide emergency services to the public when such hospital has appropriate facilities and qualified personnel available to provide such services or care.

Neither the hospital, its employees, nor any physician shall be held liable in any action arising out of a refusal to render emergency services or care if reasonable care is exercised in determining the condition of the person, or in determining the appropriateness of the facilities, the qualifications and availability of personnel to render such services.

The person, if able, or the person responsible for and accompanying such person, shall execute an agreement to pay the charges for such services or care.

This section shall be operative only until the 61st day after final adjournment of the 1970 Regular Session of the Legislature and on and after such date shall have no force or effect.

CHAPTER 1331

An act to amend Section 21385 of, and to add Section 21385.5 to, the Government Code, relating to the Public Employees' Retirement System.

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

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

SECTION 1. Section 21385 of the Government Code is amended to read:

21385. This article shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this article by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the time this article takes effect, by express provision in such contract making the contracting agency subject to the provisions of this article.

Except as provided in Section 21385.5, this article shall not in any event apply to employees of a contracting agency whose services are included in the federal system. Members who are employees of a contracting agency when such agency becomes subject to this article and whose services are not included in the federal system shall have the right to elect to be subject to it Employees of such contracting agency becoming members thereafter shall be subject to this article without election.

SEC. 2. Section 21385.5 is added to the Government Code, to read:

21385.5. This article shall apply to employees of a contracting agency whose services are included in the federal system when employees of another contracting agency who are subject to this article are made by lawful merger of the contracting agencies the employees of such contracting agency. In such case, the application of this article shall be limited to those employees to whom it applied prior to the merger and shall terminate upon expiration of five years following the date of the merger. This article shall apply to such persons whether the merger occurs before or after the effective date of this section.

CHAPTER 1332

An act to amend Section 6812.5 of the Education Code, relating to the education of physically handicapped minors, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 6812.5 of the Education Code is amended to read:

6812.5. Minors who are deaf or severely hard of hearing, as determined by the State Board of Education, and who are between the ages of 18 months and 3 years, may be enrolled in experimental programs conducted by a school district or county superintendent of schools Experimental programs for such minors shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him. Instruction in such experimental programs shall be afforded by a teacher possessing full qualifications to teach deaf and severely hard-of-hearing pupils as prescribed by rules and regulations of the State Board of Education.

Notwithstanding any provision of this code to the contrary, attendance of deaf and severely hard-of-hearing minors enrolled in experimental programs authorized by this section shall be credited to the school district or county superintendent of schools providing such instruction in the same manner as authorized for minors receiving special schooling pursuant to this chapter and Article 9 (commencing with Section 8901) of Chapter 6 of Division 7.

Notwithstanding any provision of this code to the contrary, computations of allowances and apportionments from the State School Fund for deaf and severely hard-of-hearing minors enrolled in experimental programs authorized by this section shall be credited to the district or county superintendent of schools providing such instruction in the same manner as authorized for minors receiving special schooling pursuant to this chapter and Article 9 (commencing with Section 8901) of Chapter 6 of Division 7.

Notwithstanding any provision of this code to the contrary, physically handicapped minors as prescribed in Section 8955.2 shall include deaf and severely hard-of-hearing minors enrolled in experimental programs authorized by this section.

On or before the fifth legislative day of the 1969 Regular Session, the Superintendent of Public Instruction shall submit to the Legislature a comprehensive report on all phases of the experimental programs conducted, including therein his recommendations concerning whether the establishment of such programs throughout the state is feasible.

SEC. 2. This act shall be deemed operative for the entire 1967–68 fiscal year as though the same had been enacted into law and become operative on July 1, 1967. The Superintendent of Public Instruction shall, for such purposes, have authority to take all necessary steps to effect the mid-fiscal-year transition involved, including the authority to adjust allowance computations, apportionments, and disbursements ordered from the State School 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:

Legislation was enacted in 1967 authorizing school districts or county superintendents of schools to conduct programs for minors between the ages of 18 months and 3 years who are deaf or severely hard of hearing. However, state financial assistance for such program has not materialized, and several school districts have incurred expenses for such program. In order that these school districts may receive state financial support for programs conducted during the 1967–1968 fiscal year, it is necessary that this act take immediate effect.

CHAPTER 1333

An act authorizing the transfer in trust to the City and County of San Francisco the interest of the state in and to, and the control and management of, the Harbor of San Francisco, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. This act shall be known and may be cited as the "Burton Act."

SEC. 2. The Director of Finance is hereby authorized to negotiate with the City and County of San Francisco for the transfer, in conformity with the provisions of this act, to the City and County of San Francisco, a municipal corporation of the State of California, or to its successor, in trust for purposes of commerce, navigation, and fisheries and subject to the terms and conditions specified in this act, all of the right, title and interest held by the State of California and acquired by virtue of its sovereignty or otherwise, in and to the real property located in the City and County of San Francisco and presently under the jurisdiction and control of the San Francisco Port Authority, together with all improvements, rights, privileges, easements and appur-

tenances connected therewith or in anywise appertaining thereto, and any and all personal property of every kind and description owned or controlled by the State of California and used in connection with the operation and maintenance of San Francisco Harbor and including any deposits of funds held by or for the San Francisco Port Authority; excepting and reserving unto the State of California all subsurface mineral deposits, including oil and gas deposits, together with the right of ingress and egress on the properties conveyed to the City and County of San Francisco for exploration, drilling and extraction of such mineral, oil and gas deposits; and also reserving to the people of the State of California the right to hunt and fish in and over the waters of San Francisco Harbor. The negotiations shall be concluded by October 21, 1968, unless such time is extended by mutual agreement. Within three years after the effective date of this act, the State Lands Commission shall, at the cost of the Harbor Commission of the City and County of San Francisco, survey and monument the transferred lands, and record a description and plat thereof in the office of the recorder of the city and county. This act shall not apply to any property or interest in property, whether real or personal, owned by or under the jurisdiction or control of the Department of Public Works, Division of Highways, Division of Bay Toll Crossings, or the California Toll Bridge Authority. All that property described in Section 1770 of the Harbors and Navigation Code and transferred to the City and County of San Francisco by this act shall remain subject to any requirements of the Department of Public Works, Division of Bay Toll Crossings, Division of Highways, or the California Toll Bridge Authority for future right-of-way, or easement, or material for the construction, location, realignment, expansion and maintenance of bridges, highways or other transportation facilities without compensation to the City and County of San Francisco, except that in the event improvements, betterments or structures have been placed upon the property transferred, compensation shall be made to the City and County of San Francisco for the value of the improvements, betterments, or structures taken, and except property that was originally acquired for valuable consideration, in which case compensation shall be made to the City and County of San Francisco. The Director of Finance shall be assisted in such negotiations by the Secretary for Agriculture and Services and the San Francisco Port Authority.

SEC. 3. The City and County of San Francisco, through a Harbor Commission of the City and County of San Francisco, shall have complete authority, except as otherwise agreed to as a condition of the transfer and as provided in this act, to use, conduct, operate, maintain, manage, regulate, improve and control the harbor of San Francisco and to do all things it deems necessary in connection with the use, conduct, operation, management, maintenance, regulation, improvement and control of said harbor which are not prohibited by the laws of the

State of California or the Charter of the City and County of San Francisco and which are in conformance with the terms of this act, including, without limiting the generality of the foregoing, the following:

1. The improvement and conduct of the harbor and the construction, reconstruction, repair and operation of all works, buildings, facilities, utilities, structures and appliances, incidental, necessary or convenient for the promotion and accommodation of commerce and navigation;

2. The use for all commerce and industrial purposes and the construction, reconstruction, repair, maintenance of commercial and industrial buildings, plants and facilities;

3. The establishment, improvement and conduct of railroad and aviation facilities and all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and conduct of air commerce and navigation and railroad transportation;

4. The construction, reconstruction, repair, maintenance and operation of public buildings, parks, playgrounds, public educational and recreation facilities and all works, buildings, facilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses;

5. The preservation or restoration of marine resources consistent with the primary mission of the San Francisco Harbor;

6. The grant of franchises thereof for limited periods not exceeding 66 years for wharves and other public uses and purposes and the lease of said lands, facilities, or any part thereof for limited periods not exceeding 66 years, and the collection and retention of rents and other revenues from such leases, franchises, permits, licenses, and privileges. Such lease or leases, franchises, permits, licenses, and privileges shall be for purposes consistent with the trusts upon which the lands are held by the state and with the requirements of commerce and navigation, or if the Harbor Commission of the City and County of San Francisco determines that any portion of the transferred lands is not required for the foregoing uses described in this section, such lease or leases, franchises, permits, licenses, and privileges, may be for the purposes of such development and use as the commission finds will yield maximum profits to be used by the commission in the furtherance of commerce and navigation. The moneys derived from such lease or leases, franchises, permits, licenses, and privileges shall be used solely for the furtherance of the purposes specified by this act.

SEC. 4. The City and County of San Francisco shall establish a separate harbor trust fund or funds upon the transfer in such manner as may be prescribed by the Department of Finance; the city and county shall deposit in the fund or funds all moneys received directly from or indirectly attributable to facilities on the transferred lands in the harbor. An annual

statement of financial condition and operations, to conform with such requirements as the Department of Finance may prescribe, shall be submitted to the Department of Finance each year by the city and county on or before September 30th of each year for the preceding fiscal year.

SEC. 5. Notwithstanding any other provision of law to the contrary, the City and County of San Francisco, either acting alone or jointly with another local or state agency, may use revenues accruing from or out of the use of the transferred lands for any or all of the following purposes, provided the same comply with the terms of the trust which are matters of statewide as distinguished from local or purely private interest and benefit:

1. The construction, reconstruction, improvement, repair, operation, maintenance, promotion, and protection of works, lands, waterways, and facilities necessary for the development of such transferred lands for highest and best use in the public interest, including commerce, navigation, fisheries, marinas, small boat harbors, marine stadiums, maritime museums, marine parks, beaches, and such streets, roadways, bridges, bridge approaches, earthfills, bulkheads, piers, supporting structures, buildings, recreational facilities, landscaping, and parking lots situated upon such transferred lands, or adjacent thereto and reasonably necessary to provide access to, or development of, such transferred lands;

2. The promotion, by advertising and such other means as may be reasonable and appropriate, of maximum public use of such transferred lands or to encourage private investment in development of such transferred lands for the highest and best use in the public interest;

3. Any other uses or purposes of state, as distinguished from purely local or private, interest and benefit, which are in fulfillment of those trust uses and purposes described in this act;

4. The acquisition of property and the rendition of services reasonably necessary to the carrying out of the foregoing uses and purposes, including the amortization or debt service of any capital improvement funding program which is consistent with the terms and conditions set forth in this act.

SEC. 6. Such revenues may be deposited in one or more reserve funds for use in accordance with the terms and conditions set forth in this act.

SEC. 7. As to the accumulation and expenditure of revenues for any single capital improvement on the transferred lands involving an amount in excess of two hundred fifty thousand dollars ($250,000) in the aggregate, the City and County of San Francisco shall file with the Department of Finance a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting preliminary planning. The Department of Finance may, within 90 days after the time of such filing, determine and notify the City and County of San Francisco that such capital improvement is not in the statewide in-

terest and benefit or is not authorized by any of the subdivisions in Section 5 of this act. The Department of Finance may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the City and County of San Francisco with the notice of its determination. In the event the Department of Finance notifies the City and County of San Francisco that such capital improvement is not authorized, the City and County of San Francisco shall not disburse any revenue for or in connection with such capital improvement, unless and until permitted by an order or judgment of a court of competent jurisdiction in a suit brought for the purpose of determining whether such proposed capital improvement is in the statewide interest and benefit. The city and county may bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the executive officer of the Department of Finance and the Attorney General, and the Attorney General shall defend the state in such suit. If judgment be given against the state in such suit, no costs shall be recovered against the state.

SEC. 8. At the end of each fiscal year, that portion of the San Francisco Harbor revenues in excess of two hundred fifty thousand dollars ($250,000) remaining after necessary operating costs and expenditures directly related to the operation of the maritime activity of the port or the maintenance of nonmaritime activities of the harbor have been made, shall be deemed excess revenue; provided, that any funds deposited in a reserve fund for future capital expenditures or any funds used to retire general obligation or revenue bond issues shall not be deemed excess revenue. Capital improvements for nonmaritime activities may be considered as expenditures for the purpose of determining net revenues if they have the prior authorization of the Department of Finance. The question of what constitutes a maritime activity or a nonmaritime activity, for the purposes of this section, shall be one of the subjects for negotiation between the Director of Finance and the City and County of San Francisco pursuant to Section 2 of this act.

The excess revenue, as determined pursuant to this section, shall be divided as follows: 85 percent to the State General Fund, and 15 percent to the City and County of San Francisco to be deposited in the harbor trust fund and used for any purpose authorized by Sections 3 and 5 of this act.

SEC. 9. As express conditions to such transfer, the City and County of San Francisco shall agree to:

1. Indemnify, defend, and hold harmless the state with regard to all outstanding bonded indebtedness incurred for San Francisco Harbor improvements;

2. Transfer to the state amounts necessary to pay the amounts due upon such bonded indebtedness prior to the time such amounts are due; and

3. Assume the obligations and duties of the port authority under all other outstanding contracts, leases, franchises or agreements

4. Comply with the provisions of this act.

SEC 10 The transfer authorized by this act shall be deemed to take effect when the voters of the City and County of San Francisco, at an election duly held and conducted, have assented to the transfer under the terms and conditions specified in this act and the results of the election have been certified to according to law.

SEC. 11. Upon certification of the vote specified in Section 10, the authority, jurisdiction and control of San Francisco Port Authority over San Francisco Harbor and the facilities thereof shall be deemed transferred to the City and County of San Francisco and the port authority shall cease to function and be dissolved. The City and County of San Francisco shall thereupon assume control and jurisdiction over the San Francisco Harbor and facilities and shall have complete authority to use, operate, maintain, manage, regulate, improve and control the harbor of San Francisco and to do and perform all acts as may be deemed necessary in connection with the use, operation, maintenance, management, regulation, improvement and control of said harbor as may be prescribed.

SEC. 12. San Francisco Harbor and facilities shall be under the administration and control of the Harbor Commission of the City and County of San Francisco which shall be established in accordance with the provisions of the Charter of the City and County of San Francisco. The commission shall consist of five members, each member serving for a term of four years. Except as hereinafter provided, each of said members shall be appointed by the mayor, said appointment being subject to confirmation by the Board of Supervisors of the City and County of San Francisco. In order that there be no interruption in the orderly operation and management of San Francisco Harbor, the incumbent members of the San Francisco Port Authority shall serve as the initial members of the commission for periods corresponding to the unexpired portions of their respective terms as members of the San Francisco Port Authority. In addition to the appointive members, the Director of Finance and the Secretary for Agriculture and Services, or their designated deputies, shall be ex officio members of the commission.

SEC 13. The Department of Finance, at the request of the City and County of San Francisco, shall grant an extension of time, not to exceed 30 calendar days, for filing any report or statement required by this act which was not filed due to mistake or inadvertence.

SEC. 14. In the event that the City and County of San Francisco fails or refuses to file with the Department of Finance any report, statement, or document required by any provision of this act within the time period specified by this act,

or any extension period granted pursuant to this act, or fails or refuses to carry out the terms of the transfer by which the lands were transferred to it pursuant to this act, the Attorney General shall, upon request of the Department of Finance, bring such judicial proceedings for correction and enforcement as are appropriate, and shall act to protect any properties and assets situated on the transferred lands or derived therefrom. The Department of Finance shall notify the Chief Clerk of the Assembly and the Secretary of the Senate within 30 days of the occurrence of such failure or refusal and of actions taken as a result thereof.

SEC. 15. The Department of Finance shall, from time to time, recommend to the Legislature such amendments as it may deem necessary in the terms and conditions of this act.

SEC. 16. The Department of Finance shall, from time to time, institute a formal inquiry to determine that the terms and conditions of this act, and amendments thereto, have been complied with, and that all other applicable provisions of law concerning these specific transferred lands are being complied with in good faith.

SEC. 17. The Department of Finance shall, on or before December 31st of each year, report to the Chief Clerk of the Assembly and to the Secretary of the Senate, the full details of any transaction or condition reported to the department pursuant to this act which it deems in probable conflict with the requirements of this act, or with any other provision of law.

SEC. 18. The Legislature reserves the right to amend, modify, or revoke, in whole or in part, the transfer of lands in trust provided for in this act, provided that the state shall thereupon assume all lawful obligations related to such lands as may revert to the state by such action.

SEC. 19. The Attorney General, at his own instance, or upon formal request of the Department of Finance, or by resolution of either house of the Legislature, shall bring an action in the superior court of the city and county to declare that the transfer under which the city and county holds such transferred lands is revoked for gross and willful violation of the terms of such transfer or the provisions of this act or other legislative enactment, or to compel compliance with the terms and conditions of the transfer and any other provision of law including, but not limited to, this act.

SEC. 20. All persons actually employed in the service of the San Francisco Port Authority at the time this act takes effect and who at said date shall be entitled to the benefits of the civil service provisions of the State of California insofar as the same may be applicable to the employees of the San Francisco Port Authority, shall be continued in their respective positions and shall continue to hold their positions pursuant to the civil service provisions of the Charter of the City and County of San Francisco and they shall be entitled to all of the rights, benefits, and privileges which such persons might have or might have had, had such persons been originally

appointed to their respective positions under certification from the civil service commission of the City and County of San Francisco, and in the matter of seniority in service of such employees entitled to the benefits of said civil service provisions as herein provided, the seniority of each employee shall be reckoned from his first permanent appointment to employment under the State of California, and as to their respective positions such employees shall have preference over all other employees of the City and County of San Francisco. The employment rights of such state employees shall be fully protected at the time of the transfer authorized by this act. Salary, employment conditions, and benefits shall be no less than those received by the employees of the San Francisco Port Authority at the time of transfer. These rights and benefits include, but are not limited to: probationary or permanent civil service status, and any career executive appointments; retention of employees' positions on existing subdivisional and departmental promotional and eligible lists, as long as they are in effect; no less than the same wage and salary range for comparable classes; overtime and shift premium pay whenever and wherever applicable; callback and standby pay whenever and wherever applicable; continued membership in the Public Employees' Retirement System provided by the City and County of San Francisco, or any other retirement program in effect with the San Francisco Port Authority; retention of vacation and sick leave balances which such employees now have when they become employees of the City and County of San Francisco; waiver of residence requirements; and retention of the option to continue any present health insurance and group life coverage. Upon assent to the transfer of lands as authorized by this act by the City and County of San Francisco, any employee desiring to transfer to another state agency or to be placed on a state layoff list may do so within six months of such assent and shall retain all state civil service rights and benefits.

SEC. 21. If negotiations are not concluded by October 21, 1968, unless such time is extended by mutual agreement, or if by December 31, 1970, the transfer authorized by this act has not been negotiated and the voters of the City and County of San Francisco have not assented to the transfer, the provisions of this act shall be of no further force or effect.

SEC. 22. Within 10 years from the effective date of this act, the lands transferred pursuant to this act shall be substantially improved by the city and county without expense to the state, and the city and county shall issue bonds in the amount of at least fifty million dollars ($50,000,000) for harbor purposes. If the Department of Finance determines that the city and county has failed to improve the lands as herein required and issue such bonds as herein required, all right, title, and interest of the city and county in and to all such lands shall cease and the lands shall revert and rest in the state. The city and county shall also issue additional bonds in

the amount of at least fifty million dollars ($50,000,000) for harbor purposes within 25 years from the effective date of this act, and if the Department of Finance determines that the city and county has failed to issue such additional bonds, all right, title, and interest of the city and county in and to all such lands shall cease and the lands shall revert and rest in the state.

SEC. 23. This act is an urgency statute necessary for the immediate preservation of the public peace, 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 desirable that the voters of the City and County of San Francisco have an early opportunity to vote on the transfer authorized by this act. The earliest and most convenient opportunity for a vote by the people of the City and County of San Francisco on this matter is the forthcoming general election in November of this year. In order that there will be sufficient time available after the effective date of this act to prepare for such a vote on this matter at the forthcoming general election, it is necessary that this act shall go into immediate effect.

CHAPTER 1334

An act to amend Section 11655 of, and to add Section 11655.5 to, the Health and Safety Code, relating to definition of seized narcotics.

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

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

SECTION 1. Section 11655 of the Health and Safety Code is amended to read:

11655. The state division may dispose of narcotics, other than heroin or smoking opium, by gift to the medical superintendent of state prisons or state hospitals, for medical purposes. Marijuana (Cannabis sativa), its derivatives or compounds, shall be provided by the Chief of the Bureau of Narcotic Enforcement to the heads of research projects which have been approved by the Research Advisory Panel pursuant to Section 11655.5.

The head of the approved research project shall personally receipt for such quantities of marijuana (Cannabis sativa) and shall make a record of their disposition. The receipt and record shall be retained by the Chief of the Bureau of Narcotic Enforcement. The head of the approved research project shall also, at intervals and in the manner required by the Research Advisory Panel, report the progress or conclusions of the research project.

SEC. 2. Section 11655.5 is added to the Health and Safety Code, to read:

11655.5. The Legislature finds that there is a need to encourage further research into the nature and effects of marijuana (Cannabis sativa) and to coordinate research efforts on this subject.

There shall be established a Research Advisory Panel, which shall consist of a representative of the State Department of Public Health, a representative of the Department of Mental Hygiene, a representative of the State Board of Pharmacy, a representative of the Attorney General, a representative of the University of California, and a representative of a private university in this state. The Governor shall annually designate the private university represented on the panel. Members of the panel shall be appointed by the heads of the entities to be represented, and they shall serve at the pleasure of the appointing power.

The panel may hold hearings on, and in other ways study, research projects concerning marijuana (Cannabis sativa) in this state. Members of the panel shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties.

The panel may approve research projects into the nature and effects of marijuana (Cannabis sativa), and shall inform the Chief of the Bureau of Narcotic Enforcement of the head of such approved research projects which are entitled to receive quantities of marijuana (Cannabis sativa) pursuant to Section 11655.

The panel may withdraw approval of a research project at any time, and when approval is withdrawn shall notify the head of the research project to return any quantities of marijuana (Cannabis sativa) to the Chief of the Bureau of Narcotic Enforcement.

The panel shall report annually to the Legislature and the Governor those research projects approved by the panel, the nature of each research project, and, where available, the conclusions of the research project.

CHAPTER 1335

An act to amend Section 6806 of the Education Code, relating to special education programs, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 6806 of the Education Code is amended to read:

6806. Subject to the provisions of Section 8901 any school district which does not maintain facilities for the education of

physically handicapped minors shall enter into a contract with a school district in the same county, or a county superintendent of schools maintaining such facilities. If there is no district in the same county or county superintendent of schools maintaining such facilities, the governing board of the school district shall enter into a contract with a school district maintaining such facilities in any other county. If the governing board of the district should determine the same to be more economical and practical, it may enter into a contract with a school district situated in another county, in lieu of entering into a contract with the county superintendent of schools or a school district in the county in which such district is situated.

If any question arises concerning the adequacy of the facilities provided for the education of physically handicapped minors by the school district in which the child is actually living, the parent or guardian of such child may appeal to the county superintendent of schools, and if the county superintendent of schools determines that the facilities offered are inadequate, he shall order the school district in which the child is actually living either to provide the facilities or enter into a contract with a school district maintaining adequate facilities.

Such contract shall provide for the payment of the cost of tuition by the district in which the physically handicapped minor actually lives and may provide for payment of the cost of the use of the buildings and equipment. The cost of tuition shall not be greater than the difference between current expenditures per unit of average daily attendance, including transportation, for the education of a pupil in the particular category of physically handicapped minors to which the pupil belongs and the apportionment of state funds for the education of physically handicapped minors in that category.

The amount shall be determined not later than the last Monday in December and the last Monday in May of each year by the county superintendent of schools of the county in which the child attends schools and certified to the superintendent of schools having jurisdiction over the schools of the school district in which the child actually lives. The amount shall be forthwith paid from any funds of the school district available for that purpose.

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

In order that school districts may contract for services and programs for physically handicapped minors, during the 1968–69 fiscal year which begins on July 1, 1968, with school districts in other counties where such contract would be more practical or convenient than a like contract with a district in the same county, it is necessary that this act go into immediate effect.

CHAPTER 1336

An act to add Section 6363.6 to the Revenue and Taxation Code, relating to sales and use tax exemptions, to take effect immediately, tax levy.

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

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

SECTION 1. Section 6363.6 is added to the Revenue and Taxation Code, to read:

6363.6. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use or other consumption in this state of, meals for human consumption served to and consumed by patients or inmates of any institution which is:

(1) A hospital as defined in Section 1401 of the Health and Safety Code, which either holds the license required pursuant to Section 1400, or is exempt from the license requirement pursuant to Section 1415 of that code.

(2) A place for the reception or care of children holding the license or permit required pursuant to Section 16000 of the Welfare and Institutions Code.

(3) A place for the reception and care of aged persons holding the license or permit required pursuant to Section 16200 of the Welfare and Institutions Code.

(4) An establishment for the care, custody, or treatment of incompetent persons holding the license required of private institutions pursuant to Section 6201 of the Welfare and Institutions Code, or county or state hospitals for the mentally ill established pursuant to Division 6, Parts 3 and 4, of the same code.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. This act shall not become operative, however, until the first day of the calendar quarter following the quarter within which it goes into effect.

CHAPTER 1337

An act to repeal Section 1013.5 of, and to add Sections 1013.5 and 20815 to, the Education Code, relating to school districts.

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

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

SECTION 1. Section 1013.5 of the Education Code is repealed.

SEC. 2. Section 1013.5 is added to the Education Code, to read:

1013.5. Notwithstanding Section 1013, the governing board of a union high school district having an average daily attendance, exclusive of adults, for the 1967–1968 fiscal year which is not in excess of 4,000, may in one or more tax years pay all or any portion of a judgment for debts, liabilities or damages out of funds raised pursuant to this section.

The maximum rate of school district tax for any school year for such district is hereby increased by such amount as will produce the amount of the proposed expenditures authorized by this section, as shown by the budget of the union high school district for such tax year as finally adopted by the governing board of the union high school district.

The increase provided by this section shall not exceed ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of the property in the district, and said increase shall be in addition to any other school district tax authorized by law to be levied.

This section shall have no force or effect after July 1, 1971.

SEC. 3. Section 20815 is added to the Education Code, to read:

20815. The maximum rate of school district tax prescribed by Article 2 (commencing with Section 20751) of this chapter for a high school district is increased for the 1968–1969, 1969–1970, and 1970–1971 fiscal years, for any high school district with an assessed valuation of less than twenty-nine thousand dollars ($29,000) per pupil in average daily attendance in grades 9 to 12, inclusive, during the fiscal year, by an amount sufficient to provide the difference in the supplemental support received by the district during the fiscal year pursuant to Article 7.1 (commencing with Section 17920) of Chapter 3 of Division 14 and the amount of such supplemental support which would have been received by the district during the fiscal year under the provisions of said Article 7.1 as they read on June 30, 1967.

The increase provided by this section shall not exceed ten cents ($0.10) per each one hundred dollars ($100) of the assessed valuation of the property in the district, and said increase shall be in addition to any other school district tax authorized by law to be levied.

CHAPTER 1338

An act to amend Section 2981 of, and to add Sections 2982.7 and 2983.6 to, the Civil Code, relating to credit sales.

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

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

SECTION 1. Section 2981 of the Civil Code is amended to read:

2981. As used in this chapter, unless the context otherwise requires:

(a) "Conditional sale contract" means:

(1) Any contract for the sale of a motor vehicle between a buyer and a seller, with or without accessories, under which possession is delivered to the buyer but the title vests in the buyer thereafter only upon the payment of all or part of the price, or upon the performance of any other condition, or

(2) Any contract for the bailment or leasing of a motor vehicle between a buyer and a seller, with or without accessories, by which the bailee or lessee agrees to pay as compensation a sum substantially equivalent to the value of the property, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the property upon full compliance with the terms of the contract, or

(3) Any contract for the sale of a motor vehicle between a buyer and a seller, with or without accessories, under which possession is delivered to the buyer, and a lien on the property is to vest in the seller as security for the payment of part or all of the price, or for the performance of any other condition.

(b) "Seller" means a person engaged in the business of selling or leasing motor vehicles under conditional sale contracts.

(c) "Buyer" means the person who buys or hires a motor vehicle under a conditional sale contract.

(d) "Person" includes an individual, company, firm, association, partnership, trust, corporation, or other legal entity.

(e) "Cash price" means the amount for which the seller would sell and transfer to the buyer unqualified title to the motor vehicle described in the conditional sale contract, if the property were sold for cash at the seller's place of business on the date the contract is executed, and includes any applicable sales taxes and the total amount paid or to be paid to any public officer in connection with the transaction.

(f) "Down payment" means that part of the cash price which the buyer pays or agrees to pay to the seller in cash or property value or money's worth at or prior to delivery by the seller to the buyer of the motor vehicle described in the conditional sale contract, including the cash, property or thing of value which the buyer deposits with the seller pending execution of a conditional sale contract.

(g) "Unpaid balance" means the difference between (e) and (f), plus all insurance premiums (except for credit life or disability insurance when the amount thereof is included in the finance charge), which are included in the contract balance.

(h) "Finance charge" means any amount which the buyer agrees to pay to the seller in excess of the unpaid balance.

(i) "Contract balance" means the amount unpaid under the conditional sale contract, which the buyer agrees to pay in installments as originally provided therein, and shall not in-

clude amounts for which the buyer may later become obligated under the terms of the contract in connection with insurance, repairs to or preservation of the motor vehicle, preservation of the security interest therein, or otherwise.

(j) "Motor vehicle" means any vehicle required to be registered under the Vehicle Code which is bought for use primarily for personal or family purposes, and does not mean any vehicle which is bought for use primarily for business or commercial purposes.

(k) "Purchase order" means a sales order, car reservation, statement of transaction or any other such instrument used in the conditional sale of a motor vehicle pending execution of a conditional sale contract. The purchase order shall conform to the disclosure requirements of paragraphs 1 to 8, inclusive, and paragraph 10 of subdivision (a) of Section 2982 and Section 2984.1.

SEC. 2. Section 2982.7 is added to the Civil Code, to read:

2982.7. Any down payment made by a buyer to a seller pending execution of a conditional sale contract shall be refunded to the buyer in the event the conditional sale contract is not executed.

The provisions of this section shall not apply when a buyer leaves his motor vehicle with the seller as down payment, and the buyer and seller, with knowledge and consent, agree that the parties shall enter into the conditional sale contract, and the buyer shall take delivery of the motor vehicle described in the conditional sale contract from the seller, at a date more than five days after the date the buyer leaves his motor vehicle with the seller.

SEC. 3. Section 2983.6 is added to the Civil Code, to read:

2983.6. Any person who shall willfully violate any provision of this chapter shall be guilty of a misdemeanor.

CHAPTER 1339

An act to amend Sections 6421, 6422, and 6432 of the Education Code, relating to mentally gifted culturally deprived children.

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

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

SECTION 1. It is the intent and purpose of the Legislature to provide for the identification and inclusion of mentally gifted minors of culturally disadvantaged backgrounds in the special educational programs for mentally gifted children. It is the further intent of the Legislature that in identifying mentally gifted minors eligible for such programs no child determined to be culturally disadvantaged shall be excluded from

eligibility for such programs solely upon the basis of standardized test scores.

SEC. 2. Section 6421 of the Education Code is amended to read:

6421. (a) "Mentally gifted minor," as used in this article, means a minor enrolled in a public primary or secondary school of this state who demonstrates such general intellectual capacity as to place him within the top 2 percent of all students having achieved his school grade throughout the state or who is otherwise identified as having such general intellectual capacity but for reasons associated with cultural disadvantages has underachieved scholastically.

(b) "Program" means a special educational program for mentally gifted children, including the identification of such children, which meets the standards established pursuant to this article and which is approved by the Superintendent of Public Instruction.

(c) "Participating pupil" means a pupil identified as a mentally gifted minor who for a school semester or a school year takes part in a program.

SEC. 3. Section 6422 of the Education Code is amended to read:

6422. For the purposes of this article, the general intellectual ability of a minor shall be evidenced by one or more of the following factors:

(a) Achievement in schoolwork.

(b) Scores on tests measuring intellectual ability and aptitude.

(c) The judgments of teachers and school administrators and supervisors who are familiar with the demonstrated ability of the minor.

The general intellectual ability of a minor determined to be culturally disadvantaged shall be evidenced by criteria developed for such purpose by the State Board of Education. In no event shall the general intellectual ability of a minor determined to be culturally disadvantaged be evidenced solely by the criterion of subdivision (b).

SEC. 4. Section 6432 of the Education Code is amended to read:

6432. The State Board of Education shall adopt rules and regulations which:

(a) Prescribe the procedures, consistent with this article, by which a district shall identify pupils as mentally gifted minors for the purposes of this article.

(b) Establish minimum standards for programs.

(c) Investigate and establish separate criteria by which a district may identify culturally disadvantaged pupils as mentally gifted minors for the purposes of this article.

SEC. 5. The Department of Education shall provide to the Legislature, on or before the fifth legislative day of the 1969 Regular Session, a preliminary report detailing the cri-

teria to be utilized for identifying culturally disadvantaged pupils pursuant to this act.

The department shall provide the Legislature, on or before November 1, 1970, with a final report regarding pupils identified pursuant to this act, including, but not limited to:

1. The number of pupils so identified during the 1969–1970 school year.

2. The districts which provided services to mentally gifted but culturally disadvantaged pupils.

CHAPTER 1340

An act to amend Sections 13468.5 and 13657 of the Education Code, relating to sick leave for school employees.

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

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

SECTION 1. Section 13468.5 of the Education Code is amended to read:

13468.5. Any days of leave of absence for illness or injury allowed pursuant to Section 13468 may be used by the employee, at his election, in cases of personal necessity, including any of the following:

(a) Death of a member of his immediate family.

(b) Accident, involving his person or property, or the person or property of a member of his immediate family.

(c) Appearance in court as a litigant; or as a witness under an official order.

(d) Such other reasons which may be prescribed by the governing board.

The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of personal necessity for purposes of this section. No such accumulated leave in excess of six (6) days may be used in any school year for the purposes enumerated in this section.

SEC. 2. Section 13657 of the Education Code is amended to read:

13657. Any days of absence for illness or injury earned pursuant to Section 13651.1, may be used by the employee, at his election, in cases of personal necessity, including any of the following:

(a) Death of a member of his immediate family when additional leave is required beyond that provided in Section 13651.4 and that provided, in addition thereto, as a right by the governing board.

(b) Accident, involving his person or property, or the person or property of a member of his immediate family.

(c) Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction.

(d) Such other reasons which may be prescribed by the governing board.

The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of personal necessity for the purpose of this section. No earned leave in excess of six days may be used in any school year for the purposes enumerated in this section.

Immediate family has the same meaning as provided in Section 13651.4.

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.

This section shall also apply to school districts that may be exempted from the provisions of Section 13651.1. Authorized necessity leave shall be deducted from sick leave earned under the provisions of the exemption of Section 13651.1.

CHAPTER 1341

An act to add Sections 30792.1 and 30792.2 to the Streets and Highways Code, relating to toll bridges, and making an appropriation therefor.

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

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

SECTION 1. Section 30792.1 is added to the Streets and Highways Code, to read:

30792.1. The sum of one million seven hundred fifty thousand dollars ($1,750,000), or so much thereof as may be necessary, is hereby appropriated from moneys in the State Highway Fund available for construction of state highways in County Group No. 1, as specified in Section 187, to the department for the purpose of making studies and performing all preliminary work, including, but not limited to, surveys, plans, estimates of costs, right-of-way appraisals and acquisition, engineering studies, layouts, traffic studies, approach studies, consultant fees and other preliminary expenses found by the department to be necessary preliminary to the issuance of revenue bonds pursuant to the California Toll Bridge Authority Act for the construction of a new Dumbarton Bridge. This appropriation shall be available for expenditure without regard to fiscal years.

The California Toll Bridge Authority shall return this appropriation, or so much thereof as may be used, together with

interest thereon at the rate of 1½ percent per annum. Such interest shall be computed from the first day of the fiscal year following the date of withdrawal on the total amount withdrawn during any one fiscal year and paid to the State Highway Fund from the proceeds of the first sale of revenue bonds issued for the work above described, pursuant to the provisions of the California Toll Bridge Authority Act.

SEC. 2. Section 30792.2 is added to the Streets and Highways Code, to read:

30792.2. Upon completion of the studies and preliminary work provided for in Section 30792.1, the California Toll Bridge Authority shall, as promptly as feasible, issue revenue bonds to finance the construction of a new Dumbarton Bridge. Such bonds shall be secured by the revenues deposited in the San Francisco-Oakland Bay Bridge Toll Revenue Fund as provided by Chapter 1 of Division 17 and by Section 30794 of this code. Such financing of the Dumbarton Bridge shall be undertaken only on a finding by the authority, on the basis of the estimates of cost, that anticipated revenue available to it will be sufficient to meet its obligations with respect to the financing of the San Francisco-Oakland Rapid Transit Tube and of a southern crossing of San Francisco Bay between India Basin and Alameda-Bay Farm Island in addition to the new Dumbarton Bridge.

CHAPTER 1342

An act to amend Section 1350.5 of the Labor Code, relating to working hours of women.

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

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

SECTION 1. Section 1350.5 of the Labor Code is amended to read:

1350.5. (a) Employers of employees covered under the provisions of the Fair Labor Standards Act may employ females up to 10 hours during any one day of 24 hours or up to 58 hours in one week, provided that they are compensated at the rate of 1½ times the regular rate of pay for time worked for one employer in excess of eight hours in any one day or 40 hours in any one week.

(b) The provisions of subdivision (a) shall not apply to: (1) employers whose employees are exempted in Section 13 of the Fair Labor Standards Act as amended through February 1, 1967, from the provisions of Section 7 of the Fair Labor Standards Act; (2) employers whose employees are exempted in Section 7 of the Fair Labor Standards Act, as amended through February 1, 1967, from the provisions of Section 7 of the Fair Labor Standards Act, if the employees are not en-

titled under such exemptions in Section 7 to 1½ times their regular rate of pay until they have worked more than 48 hours in one week; and (3) employers whose employees are engaged in the laundering, cleaning, or repairing of clothing, or in the clothing manufacturing industries.

(c) The provisions of subdivisions (a) and (b) of this section shall not affect or change the provisions of any existing collective bargaining agreement.

(d) Notwithstanding the provisions of subdivision (b) of this section, the provisions of subdivision (a) of this section shall apply to the employment of females by railroads or airlines certificated by the federal or state government.

CHAPTER 1343

An act to amend Section 1193.5 of the Labor Code, relating to the authority of the Division of Industrial Welfare.

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

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

SECTION 1. Section 1193.5 of the Labor Code is amended to read:

1193.5. The provisions of this chapter shall be administered and enforced by the division. Any authorized representative of the division shall have authority to:

(a) Investigate and ascertain the wages, hours and working conditions of women and minors employed in any occupation in the state;

(b) Supervise the payment of unpaid minimum wages or unpaid overtime compensation owing to any woman or minor under the provisions of this chapter or the orders of the commission. Acceptance of payment of sums found to be due on demand of the division shall constitute a waiver on the part of the employee of his or her cause of action under Section 1194.

Unpaid minimum wages or unpaid overtime wages recovered by the division under the provisions of this section which for any reason cannot be delivered within six months from date of collection to the woman or minor for whom such wages were collected shall be deposited into the Special Deposit Fund in the State Treasury.

CHAPTER 1344

An act to amend Section 1204 of, and to add Section 1253.1 to, the Health and Safety Code, and to amend Sections 6200 and 7000 of the Welfare and Institutions Code, relating to mental institutions.

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

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

SECTION 1. Section 1204 of the Health and Safety Code is amended to read:

1204. The provisions of this chapter do not apply to the following:

(a) Any clinic conducted, maintained or operated by the United States government, or by any of its departments, officers or agencies or by this state, or by any of its political subdivisions or districts, or by any city.

(b) Clinics conducted, maintained, or operated as outpatient departments of hospitals.

(c) Any clinic conducted, maintained, or operated by any establishment or institution licensed by the State Department of Mental Hygiene exclusively for care and treatment of any mentally disordered or other incompetent person referred to in Division 5 or 6 of the Welfare and Institutions Code.

SEC. 1.5. Section 1253.1 is added to the Health and Safety Code, to read:

1253.1. Notwithstanding the provisions of Section 1253, a nonprofit clinic is eligible for licensure if it is a clinic for the care and treatment of any mentally disordered or other incompetent person referred to in the Welfare and Institutions Code which charges and collects fees from individuals advised or treated in the clinic, which fees are not in excess of those fees required under the Short-Doyle Act, when the clinic is performing services under contract to a community mental health service maintained under the Short-Doyle Act.

SEC. 2. Section 6200 of the Welfare and Institutions Code is amended to read:

6200. As used in this part, "establishment" and "institution" include every hospital, sanitarium, home, clinic, or other place receiving or caring for any mentally disordered or incompetent person referred to in Division 6 of this code.

SEC. 3. Section 7000 of the Welfare and Institutions Code is amended to read:

7000. As used in this part, "establishment" and "institution" include every hospital, sanitarium, home, clinic, or other place receiving or caring for any mentally disordered or incompetent person referred to in Division 5 or 6 of this code.

SEC. 4. Section 2 of this act shall be inoperative on and after the operative date of Chapter 1667 of the Statutes of 1967.

SEC. 5. Section 1.5 of this act shall become operative only if Senate Bill No 1185 is enacted by the Legislature at its 1968 Regular Session.

CHAPTER 1345

An act to add Section 112 to, and to repeal Section 112 of, the Business and Professions Code, relating to directory of licensees.

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

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

SECTION 1. Section 112 of the Business and Professions Code is amended to read:

112. Each board, with the approval of the director of the department, may publish a directory of all persons in good standing who hold certificates or licenses under the chapter or act which it administers. Each board shall cooperate with the director in determining the form, time and frequency of publication and price of such directory.

CHAPTER 1346

An act to amend Sections 3071, 3076, and 3096 of the Labor Code, relating to apprenticeship training.

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

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

SECTION 1. Section 3071 of the Labor Code is amended to read:

3071. The Apprenticeship Council shall meet at the call of the Director of Industrial Relations and shall aid him in formulating policies for the effective administration of this chapter.

Thereafter the Apprenticeship Council shall meet quarterly at a designated date and special meetings may be held at the call of the chairman. The Apprenticeship Council shall establish standards for minimum wages, maximum hours, working conditions for apprentice agreements, hereinafter in this chapter referred to as labor standards, which in no case shall be lower than those prescribed by this chapter; shall issue such rules and regulations as may be necessary to carry out the intent and purpose of this chapter, which shall include regulations governing equal opportunities in apprenticeship and other on-the-job training, and criteria for selection procedures

with a view particularly toward eliminating criteria not relevant to qualification for training employment or more stringent than is reasonably necessary; shall foster, promote, and develop the welfare of the apprentice and industry, improve the working conditions of apprentices, and advance their opportunities for profitable employment; shall insure that selection procedures are impartially administered to all applicants for apprenticeship; shall gather and promptly disseminate information through apprenticeship and training information centers; and shall maintain on public file in all high schools and California State Employment Service offices the name and location of the local area apprenticeship committees, the filing date, and minimum requirements for application of all registered apprenticeship programs. The Apprenticeship Council shall make biennial reports through the Director of Industrial Relations of its activities and findings to the Legislature and to the public.

SEC. 2. Section 3076 of the Labor Code is amended to read:

3076. The function of the joint apprenticeship committee shall be to work in an advisory capacity with employers and employees in matters regarding schedule of operations, application of wage rates, working conditions for apprentices, the number of apprentices which shall be employed in the trade under apprentice agreement under this chapter, in accordance with labor standards set up by the Apprenticeship Council except as specific written authority is delegated to the joint apprenticeship committee by the parent bodies they represent; and to aid in the adjustment of apprenticeship disputes as they affect labor standards. The joint apprenticeship committee shall establish selection procedures which specify minimum requirements for age, formal education or equivalency, physical examination, if any, subject matter of written tests and oral interviews, and any other criteria pertinent to the selection process; shall specify the relative weights of all factors which determine selection to an apprenticeship program; shall submit in writing to the Administrator of Apprenticeship an official statement of each selection procedure including filing date and location of the joint apprenticeship committee; shall provide a copy of the selection procedures to each applicant; and shall provide in writing to each applicant not selected an official explanation setting forth the reason or reasons for the nonselection, copies of which explanation shall be retained as a public record in the files of the joint apprenticeship committee for a period of three years.

SEC. 3. Section 3096 of the Labor Code is amended to read:

3096. Complaints alleging discrimination against any person in the selection or training of that person in any apprenticeship training program because of the race, religious creed, color, national origin, or ancestry of such person shall be filed with the State Fair Employment Practice Commission pursuant to Part 4.5 (commencing with Section 1410) of Division

2 of this code. Whenever such a complaint is filed with the commission, the commission shall immediately send a copy of the complaint to the Administrator of Apprenticeship for investigation and action by the Division of Apprenticeship Standards pursuant to this chapter and rules and procedures prescribed by the Apprenticeship Council, and the division shall hold at least one open hearing relative to the complaint during the 21-day period following the day upon which the division receives a written copy of the complaint. If the commission finds that the complaint is not being processed in accordance with this chapter and such rules and procedures, or if the commission finds that the division has not taken action which has resolved the complaint within 30 days, the commission shall report such findings in writing to the administrator, who upon verification may cause the division to take conclusive action prior to the 61st day following the day upon which a written copy of the complaint was filed with the division. Notwithstanding any other provision of this section, the administrator shall, upon request of, and after written report by, the commission, relieve the division of the case and assign it to the commission, on or before the 61st day following the day upon which a written copy of the complaint was filed with the division. Upon receipt of such assignment, the commission shall immediately proceed to act upon the complaint. The commission shall hold at least one open hearing within 14 days following the day of assignment. The commission shall complete its investigations and any attempts to eliminate any unlawful practices discovered and shall issue an accusation thereon or advise the complainant that the evidence does not warrant further proceedings thereon, within 30 days after the complaint is assigned to the commission. The commission shall prepare such findings, determinations, and orders for issuance by the administrator, who shall notify the complainant and shall make available his findings within 10 days after review of such findings by the commission. Such findings, determinations and orders shall be subject to further legal processes as set forth in this chapter.

CHAPTER 1347

An act to amend Section 12202 of the Revenue and Taxation Code, relating to taxation of insurers.

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

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

SECTION 1. Section 12202 of the Revenue and Taxation Code is amended to read:

12202. The rate of tax to be applied to the basis of the annual tax in respect to each year is 2.35 percent except the rate to be applied to the basis in respect to the years 1964,

1965, 1966, and 1967 is 2.33 percent and except that as to gross premiums received upon policies or contracts issued in connection with a pension plan or profit-sharing plan exempt or qualified under Section 401(a), 403(b), 404, or 501(a) of the United States Internal Revenue Code as they may be amended or renumbered from time to time, the rate of tax shall be the percentage set forth below opposite each year:

Year	Percentage
1960	2.15
1961	1.95
1962	1.75
1963	1.55
1964	1.35
1965 and each year thereafter	1.00

CHAPTER 1348

An act to amend Sections 9037, 9038, 9043, 9048, 17803, 17804, 17805, 17806, 17807, 17808, 17809, 17820, 17821, 17822, 17831, 17840, 17841, 17845, 17846 of, to add Sections 9001, 9001.5, 9002, 9003, 17800.3, and 17800.7 to, and to repeal Sections 9001, 9002, 9003, and 17810 of, the Business and Professions Code, relating to the creation of a Social Worker and Marriage Counselor Qualifications Board, and making an appropriation therefor.

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

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

SECTION 1. Section 9001 of the Business and Professions Code is repealed.

SEC. 2. Section 9001 is added to the Business and Professions Code, to read:

9001. There is in the Department of Professional and Vocational Standards a Social Worker and Marriage Counselor Qualifications Board of the State of California, which consists of nine members appointed by the Governor with the advice and consent of the Senate.

SEC. 3. Section 9001.5 is added to the Business and Professions Code, to read:

9001.5. All functions, responsibilities, and duties are transferred on the effective date of this section from the Board of Social Work Examiners of the State of California to the Social Worker and Marriage Counselor Qualifications Board of the State of California.

Any rules and regulations adopted by the Board of Social Work Examiners of the State of California, which are in effect on the effective date of this section, shall remain in effect until the board adopts new rules and regulations or incorporates

the Board of Social Work Examiners of the State of California's rules and regulations into the board's rules and regulations.

Wherever the term "Board of Social Work Examiners of the State of California" is used in any law or regulation of this state it shall mean the Social Worker and Marriage Counselor Qualifications Board of the State of California.

SEC. 4. Section 9002 of the Business and Professions Code is repealed.

SEC. 5. Section 9002 is added to the Business and Professions Code, to read:

9002. Two members of the board shall be state-certified social workers, two shall be state-registered social workers, two shall be state-licensed marriage, family and child counselors, and three shall be public members. Each member, except the three public members, shall hold at least a master's degree from an accredited college or university and shall have at least five years of experience in his profession.

SEC. 6. Section 9003 of the Business and Professions Code is repealed.

SEC. 7. Section 9003 is added to the Business and Professions Code, to read:

9003. Each member of the board, except the members first appointed, shall be appointed for a term of four years and shall hold office until the appointment and qualification of his successor or until one year shall have elapsed whichever first occurs. The terms of the members first appointed shall expire as follows: three members, January 15, 1970; three members, January 15, 1971; and three members, January 15, 1972. Vacancies occurring shall be filled by appointment for the unexpired term.

SEC. 8. Section 9037 of the Business and Professions Code is amended to read:

9037. Within 10 days after the beginning of each month, the board shall report to the department the amount of all collections for the month preceding, and at the same time, shall pay the amount thereof into the State Treasury to the credit of the Social Worker and Marriage Counselor Fund, which fund is hereby created as the successor to the Registered Social Workers' Fund.

Any reference in any law to the Registered Social Workers' Fund shall be deemed to refer to the Social Worker and Marriage Counselor Fund.

SEC. 9. Section 9038 of the Business and Professions Code is amended to read:

9038. (a) Except as provided in subdivision (b) of this section and Section 17846, all sums in the Social Worker and Marriage Counselor Fund are appropriated to the board, to be expended by it for the purposes of the programs under its jurisdiction.

(b) On the effective date of the amendment made to this section at the 1968 Regular Session of the Legislature, the unen-

cumbered balance of any funds in the Registered Social Workers' Fund shall be transferred to the Social Worker and Marriage Counselor Fund and shall be expended by the Social Worker and Marriage Counselor Qualifications Board to carry out the purposes of this chapter.

SEC. 10. Section 9043 of the Business and Professions Code is amended to read:

9043. Each application shall be accompanied with a fee of fifty dollars ($50), which shall be deposited by the board into the State Treasury to the credit of the Social Worker and Marriage Counselor Fund.

On the effective date of the amendment made to this section at the 1968 Regular Session of the Legislature, the unencumbered balance of any funds in the Certified Clinical Social Workers Fund shall be transferred to the Social Worker and Marriage Counselor Fund and shall be expended by the Social Worker and Marriage Counselor Qualifications Board to carry out the purposes of this chapter.

SEC. 11. Section 9048 of the Business and Professions Code is amended to read:

9048. A renewal fee in the sum of ten dollars ($10) shall be charged and collected annually by the board prior to the last day of March of each calendar year. Such fees shall be deposited in the State Treasury to the credit of the Social Worker and Marriage Counselor Fund. A five dollars ($5) delinquency fee shall be added to the renewal fee when such renewal fee is not received by the board prior to the last day of March of each calendar year. Any person who permits his certificate to become delinquent may have it restored only upon the payment of all fees which he would have paid if the certificate had not become delinquent plus the payment of the delinquency fee.

SEC. 12. Section 17800.3 is added to the Business and Professions Code, to read:

17800.3. "Board," as used in this chapter, means the Social Worker and Marriage Counselor Qualifications Board.

SEC. 13. Section 17800.7 is added to the Business and Professions Code, to read:

17800.7. The board shall administer the provisions of this chapter.

SEC. 14. Section 17803 of the Business and Professions Code is amended to read:

17803. A person desiring to advertise the performance of marriage, family and child counseling services shall apply to the Social Worker and Marriage Counselor Qualifications Board for a license and shall pay the license fee required by this chapter.

SEC. 15. Section 17804 of the Business and Professions Code is amended to read:

17804. To qualify for a license an applicant shall have all the following qualifications:

(a) At least a master's degree in marriage counseling, in social work, or in one of the behavioral sciences, including, but not limited to, sociology or psychology, obtained from a college or university accredited by the Western College Association, the Northwest Association of Secondary and Higher Schools, or an essentially equivalent accrediting agency as determined by the department.

(b) At least two years' experience, of a character approved by the board, under the direction of a person who holds the degree specified in subdivision (a) or at least two years' experience of a type which in the discretion of the board is equivalent to that obtained under the direction of such a person.

SEC. 16. Section 17805 of the Business and Professions Code is amended to read:

17805. The board shall issue an appropriate license within the fields referred to in Section 17801 in such form as the board may deem appropriate to every applicant who qualifies under the chapter.

SEC. 17. Section 17806 of the Business and Professions Code is amended to read:

17806. The board may adopt such rules and regulations as may be necessary to enable it to carry into effect the provisions of this chapter. Such rules and regulations shall be adopted in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

Any rules and regulations adopted by the Director of Professional and Vocational Standards for marriage, family and child counselors, which are in effect on the effective date of the amendment made to this section at the 1968 Regular Session of the Legislature, shall remain in effect until the board adopts new rules and regulations or incorporates the director's rules and regulations into the board's rules and regulations.

SEC. 18. Section 17807 of the Business and Professions Code is amended to read:

17807. The board may employ whatever additional personnel is necessary to carry out the provisions of this chapter.

SEC. 19. Section 17808 of the Business and Professions Code is amended to read:

17808. The board may grant waivers, biennially, to institutions which are both nonprofitable and charitable and to educational institutions which meet the accrediting requirements contained in Section 17804. Institutions applying for such waivers shall demonstrate (a) adequate supervision of nonlicensed counseling personnel, and (b) community need or (c) a training need.

SEC. 20. Section 17809 of the Business and Professions Code is amended to read:

17809. The board may issue a license to any person who, at the time of application, holds a valid license issued by a board of marriage counselor examiners or corresponding au-

thority of any state, provided, in its opinion, the requirements for such licensure are substantially the equivalent of the requirements of this chapter, and upon payment of the fees specified.

SEC. 21. Section 17810 of the Business and Professions Code is repealed.

SEC. 22. Section 17820 of the Business and Professions Code is amended to read:

17820. The board may refuse to issue a license, or may suspend or revoke the license of any licensee if he has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include:

(a) Conviction of a felony, or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.

(b) Securing a license by fraud or deceit practiced on the board.

(c) Using any narcotic as defined in Division 10 (commencing with Section 1100) of the Health and Safety Code or any hypnotic drug or alcoholic beverage to an extent or in a manner dangerous to himself, or to any other person, or to the public and to an extent that such action impairs his ability to perform his work as a marriage, family, or child counselor with safety to the public.

(d) Improper advertising.

(e) Violating or conspiring to violate the terms of this chapter.

(f) Committing a dishonest or fraudulent act as a marriage, family, or child counselor resulting in substantial injury to another.

SEC. 23. Section 17821 of the Business and Professions Code is amended to read:

17821. In addition to the grounds contained in Section 17820 the board shall revoke the license of any person, other than a physician and surgeon who uses or offers to use hypnosis or drugs, or a certified psychologist who uses or offers to use hypnosis, in the course of performing marriage, family, or child counseling services.

SEC. 24. Section 17822 of the Business and Professions Code is amended to read:

17822. A plea or verdict of guilty to a charge of a felony or of any offense involving moral turpitude as deemed to be a conviction within the meaning of this article. The board shall order the license suspended or revoked, or shall decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence.

SEC. 25. Section 17831 of the Business and Professions Code is amended to read:

17831. In addition to other proceedings provided for in this chapter, whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, an offense against this chapter, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of the board, the Attorney General, or the district attorney of the county.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

SEC. 26. Section 17840 of the Business and Professions Code is amended to read:

17840. Licenses issued under this chapter shall expire on December 31 of each odd-numbered year, if not renewed.

To renew an unexpired license, the holder thereof, on or before December 31 of each odd-numbered year, shall apply for a renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

SEC. 27. Section 17841 of the Business and Professions Code is amended to read:

17841. A license which has expired may be renewed at any time within five years after its expiration on filing and application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last preceding regular renewal date If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter.

Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided for in Section 17840 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

SEC. 28. Section 17845 of the Business and Professions Code is amended to read:

17845. The board shall report each month to the State Controller the amount and source of all revenue received pursuant to this chapter and at the same time pay the entire amount thereof into the State Treasury for credit to the Social Worker and Marriage Counselor Fund.

SEC. 29. Section 17846 of the Business and Professions Code is amended to read:

17846. On the effective date of the amendment made to this section at the 1968 Regular Session of the Legislature, the unencumbered balance of and funds in the Marriage Counselors Fund shall be transferred to the Social Worker and Marriage Counselor Fund and shall be expended by the Social Worker and Marriage Counselor Qualifications Board in carrying out and enforcing the provisions of this chapter.

SEC. 30. Section 9043 of the Business and Professions Code is amended to read:

9043. Each application shall be accompanied with a fee of fifty dollars ($50), which shall be deposited by the board into the State Treasury to the credit of the Social Worker and Marriage Counselor Fund.

On the effective date of the amendment made to this section at the 1968 Regular Session of the Legislature, the unencumbered balance of any funds in the Certified Clinical Social Workers Fund shall be transferred to the Social Worker and Marriage Counselor Fund and shall be expended by the Social Worker and Marriage Counselor Qualifications Board to carry out the purposes of this chapter.

SEC. 31. Section 9048 of the Business and Professions Code is amended to read:

9048. A renewal fee in the sum of ten dollars ($10) shall be charged and collected annually by the board prior to the last day of March of each calendar year. Such fees shall be deposited in the State Treasury to the credit of the Social Worker and Marriage Counselor Fund. A five dollars ($5) delinquency fee shall be added to the renewal fee when such renewal fee is not received by the board prior to the last day of March of each calendar year. Any person who permits his license to become delinquent may have it restored only upon the payment of all fees which he would have paid if the license had not become delinquent plus the payment of the delinquency fee.

SEC. 32 It is the intention of the Legislature, if amendments to Sections 9043 and 9048 of the Business and Professions Code proposed by both this bill and Senate Bill 1224 are enacted, that both amendments be given effect and incorporated in Sections 9043 and 9048 in the form set forth in Sections 30 and 31 of this act. Therefore, in the event Senate Bill 1224 is enacted and amends Sections 9043 and 9048, Sections 30 and 31 of this act shall become operative at the same time that Sections 9043 and 9048 as amended by Senate Bill 1224 become operative, and at that time, Section 9043 of the Business and Professions Code as amended by Section 10 of this act and Section 9048 of the Business and Professions Code as amended by Section 11 of this act are repealed.

CHAPTER 1349

An act to add Section 10117 to the Insurance Code, and to add Section 12532.5 to the Government Code, relating to disability insurance, health care service plans, and medical assistance, declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 10117 is added to the Insurance Code, to read:

10117. A policy of disability insurance may not provide an exception for other coverage where such other coverage is entitlement to Medi-Cal benefits under Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14500) of Part 3 of Division 9 of the Welfare and Institutions Code. Each policy of disability insurance shall be interpreted not to provide an exception for such Medi-Cal benefits.

A policy of disability insurance may not provide that the benefits payable thereunder are subject to reduction if the individual insured has entitlement to such Medi-Cal benefits.

SEC. 2. Section 12532.5 is added to the Government Code, to read:

12532 5. A health care service plan contract may not provide an exception for other coverage where such other coverage is entitlement to Medi-Cal benefits under Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14500) of Part 3 of Division 9 of the Welfare and Institutions Code.

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

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

SEC. 3. This act shall be applicable to policies and contracts in existence on the effective date with respect to premiums, dues, or other consideration paid pursuant to such policies and contracts on or after the effective date and with respect to services provided on or after the effective date or indemnities for services provided on or after the effective date pursuant to such policies and contracts.

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

Some insurers and other organizations offering disability insurance and health care service plans have been interpreting policies and contracts as not being payable when there is also

Medi-Cal coverage whereas the Medi-Cal benefits have been interpreted as not being payable when the recipient has other resources from which to obtain medical care. The resulting confusion has left some providers of service unpaid, has increased administrative costs and has reduced the amount available to provide needed medical assistance to indigent persons.

CHAPTER 1350

An act to add Article 1.4 (commencing with Section 13186.5) to Chapter 2 of Division 10 of the Education Code, relating to an interstate agreement on qualification of educational personnel.

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

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

SECTION 1. Article 1.4 (commencing with Section 13186.5) is added to Chapter 2 of Division 10 of the Education Code, to read:

Article 1.4. Interstate Agreement on Qualification of Educational Personnel

13186.5. The Interstate Agreement on Qualification of Educational Personnel is hereby entered into with all jurisdictions joining therein, in the form as follows:

Article I

Purpose, Findings, and Policy

1. The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations

from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

Article II

Definitions

As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

2. "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his state, contracts pursuant to this agreement.

3. "Accept," or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

4. "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating state" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

6. "Receiving state" means a state (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

Article III

Interstate Educational Personnel Contracts

1. The designated state official of a party state may make one or more contracts on behalf of his state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which

he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

6. A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

Article IV

Approved and Accepted Programs

1. Nothing in this agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

2. To the extent that contracts made pursuant to this agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such

procedures and requirements as may be provided in the applicable contract.

Article V

Interstate Cooperation

The party states agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

Article VI

Agreement Evaluation

The designated state officials of any party state may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendations for changes.

Article VII

Other Arrangements

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

Article VIII

Effect and Withdrawal

1. This agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

2. Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

Article IX

Construction and Severability

This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or pro-

vision of this agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters.

13186.6. The "designated state official" for this state shall be the Superintendent of Public Instruction. He shall enter into contracts pursuant to Article III of the agreement only with the approval of the specific text thereof by the State Board of Education.

CHAPTER 1351

An act to amend Section 255 of, to add Section 277 to, and to repeal Sections 262, 263, 264, 274 and 275 of, the Revenue and Taxation Code, relating to property tax exemptions.

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

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

SECTION 1. Section 255 of the Revenue and Taxation Code is amended to read:

255. Affidavits required for exemptions named in this article, except the veterans' exemption, shall be filed with the assessor between the lien date and 5 o'clock p.m. on March 15. Veterans' exemptions shall be filed with the assessor between the lien date and 5 o'clock p.m. on April 15.

SEC. 1.5. Section 262 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 263 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 264 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 274 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 275 of the Revenue and Taxation Code is repealed.

SEC. 6. Section 277 is added to the Revenue and Taxation Code, to read:

277. Ninety percent of any tax or penalty or interest thereon, imposed on property as to which the cemetery, college, exhibition, church, orphanage or welfare exemption was available, 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, provided that application for such cancellation or refund is made on or before the 15th day of January of the calendar year next succeeding the calendar year in which the exemption was not claimed by a timely application therefor. With respect to property as to which the welfare exemption was available, all provisions of Section 254.5, other than the specified dates for the filing of affidavits and other acts, are applicable to this section.

SEC. 6.3. 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 church exemption pursuant to Sections 206 and 206.1 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 church 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 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. 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 6.5. (a) Notwithstanding any other provision of law which may be construed to the contrary, the failure to make a timely application for the free museum exemption for the 1968–69 fiscal year shall not be a basis for denial of such exemption and any tax, penalty or interest imposed on this basis on property as to which the free museum exemption was otherwise available 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, provided that application for such cancellation or refund is made on or before the 15th day of January, 1969.

SEC. 7. The Legislature finds and declares that certain persons and organizations inadvertently fail to file affidavits required for the cemetery, college, exhibition, church, orphanage or welfare exemptions, and some organizations entitled to the church exemption acquired church property after the lien date in 1967 but prior to the commencement of the 1967–68 fiscal year. If forced to pay the full tax on such property, the

ability of these persons and organizations to function effectively will be substantially impaired. This act will remedy the situation by removing, in part, the procedural bar to the application for 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.

SEC. 7.5. The Legislature further finds and declares that with respect to the free museum exemption certain organizations which have qualified therefor in previous years have been, with respect to the 1968–69 fiscal year, required for the first time to file claims therefor by a time certain. Since some such organizations were not apprised of this new duty until after the administratively set date for filing, they may be subject to litigation and expense over their property tax liability for the 1968–69 fiscal year. In order to prevent such an unfair situation, Section 6.5 of this act removes the possible procedural bar to the free museum exemption and 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.

SEC. 8. Except as otherwise herein provided, this act shall become operative for exemptions claimed for fiscal years commencing during calendar year 1969. However, the repeal of Sections 262, 263, 264, 274 and 275 of the Revenue and Taxation Code shall not affect the rights of any party who has claimed a cancellation or refund pursuant to any of such sections prior to the operative date of this act and he may pursue any remedy available to him as though such section had not been repealed.

SEC. 9. Section 1 of the act shall become operative January 1, 1970.

SEC. 10. Section 6 of the act shall become operative on January 15, 1969.

SEC. 11. Sections 6.3 and 6.5 of this act shall become operative on the 61st day following final adjournment of the 1968 Regular Session of the Legislature.

CHAPTER 1352

An act to add Chapter 5 5 (commencing with Section 8320) of Division 1, Title 2 of, and to repeal Chapter 5.5 (commencing with Section 8320) and Chapter 5.7 (commencing with Section 8420) of Division 1, Title 2 of, the Government Code, and to repeal Chapter 1508 of the Statutes of 1947, relating to world trade.

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

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

SECTION 1. Chapter 5 5 (commencing with Section 8320) of Division 1, Title 2 of the Government Code is repealed.

SEC. 2. Chapter 5.7 (commencing with Section 8420) of Division 1, Title 2 of the Government Code is repealed.

SEC. 3. Chapter 5.5 (commencing with Section 8320) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 5.5. CALIFORNIA WORLD TRADE AUTHORITY

Article 1. General Provisions and Definitions

8320. This chapter shall be known as the "California World Trade Authority Law."

8321. Unless the context otherwise requires, "authority" means the California World Trade Authority which is created by this chapter.

8322. This chapter shall be liberally construed to carry out the objects and purposes and the declared policy of the state as set forth in Article 2 of this chapter.

8323. If any section, subdivision, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of the chapter, and each section, subdivision, sentence, clause and phrase of this chapter, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses and phrases may be declared unconstitutional, invalid or unenforceable.

Article 2. Policy

8340. It is hereby declared to be the general policy of the State of California to foster and develop international trade for the benefit of the entire state and, particularly, trade in the natural, processed, and manufactured products of this state. Such a policy requires specific representation of California in the key areas of the world to encourage the export of the natural, processed, and manufactured products of this state and also requires the establishment of world trade centers throughout the state.

Article 3. California World Trade Authority

8350. There is in the Department of Commerce a California World Trade Authority and a World Trade Division.

8351. The authority is composed of nine members who shall be appointed by and hold office at the pleasure of the Governor. Persons appointed shall have outstanding qualifications resulting from training, experience, and attainments in business and commerce.

8352. Members of the authority are entitled to their actual necessary expenses incurred while on business of authority.

8353 The Governor shall appoint a chairman of the authority. A commissioner and a deputy, upon recommendation of the chairman, shall be appointed by and hold office at the pleasure of the Governor.

8354. The commissioner may appoint or employ such administrative, professional, technical, and clerical assistants, and such legal counsel, as may be deemed necessary or advisable.

8355. A majority of the members of the authority shall constitute a quorum for the transaction of business for the authority.

8356. The authority may act at any regular or special meeting. Regular meetings shall be held once during each three-month period and special meetings may be called by the chairman at any time he deems it is necessary to handle special or emergency matters. The authority may act without a meeting if a majority of the members approve of the action taken in writing.

8357. The authority may adopt such rules and regulations as it deems advisable with respect to the conduct of its own affairs.

8358. The authority shall maintain headquarters in Sacramento and such other offices as are necessary and required

8359. All meetings of the authority shall be open and public, and all persons shall be permitted to attend any meetings of the authority.

8360. All records of the authority shall be open to inspection by the public during regular office hours.

Article 4. General Powers

8370. The authority has perpetual succession.

8371. The authority may do any or all things which it may deem necessary, useful, or convenient in carrying out the objects and purposes of this chapter, except that it shall not exercise the power of eminent domain or issue bonds of any nature.

8372. Without incurring any cost or expense to itself or to the State of California, the authority may cooperate with private persons, firms, or corporations who construct or seek to construct world trade center buildings to provide office space for businesses engaged in international trade or related thereto. The authority may enter into contracts with private persons, firms or corporations setting forth the conditions under which the building or buildings are to be designated as a "California World Trade Center." In such contracts the authority may permit such buildings to be named "California World Trade Center," and the authority may permit the name of the city in which such building is located to be added to such name.

8373 The provisions of Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code are hereby made applicable to this authority.

Article 5. Functions

8380. The authority shall collect and disseminate general information on international trade opportunities, programs,

and activities to business, industrial, and agricultural trade associations and individual businesses not affiliated with associations or organizations.

8381. The authority shall organize and coordinate the development of plans and arrangements for state sponsored, or state participation in, foreign trade missions, trade fairs, exhibits, or displays.

8382. The authority shall maintain world trade reference libraries of publications, journals, regulations, statutes, and related documents for the use of businesses and individuals engaged in international trade.

8383. The authority shall provide assistance, when requested, to businesses and individuals in securing state representation to foreign governments relative to trade matters or agreements.

8384. The authority shall maintain a referral service for trade lead inquiries and process to organizations and individuals engaged in trade lead development.

8385. The authority shall publish and maintain a state directory of exporters and importers.

8386. The authority shall collaborate with the private sector, state and local public sector in the development of requirements for information systems for the collection of data to measure the status and development of the state's world trade growth.

8387. The authority shall establish programs designed to encourage and assist domestic manufacturers and producers into entering the export business.

Article 6. Succession

8400. The California World Trade Authorities Co-ordinating Council, the San Francisco World Trade Center Authority, and the Southern California World Trade Center Authority are hereby abolished.

8401. On the operative date of this chapter, _____, the California World Trade Authority shall succeed to all of the funds, property, indebtedness, and obligations of the California World Trade Authorities Co-ordinating Council, the Southern California World Trade Center Authority, and the San Francisco World Trade Center Authority.

8402. All officers and employees of the California World Trade Authorities Co-ordinating Council, the Southern California World Trade Center Authority, and the San Francisco World Trade Center Authority on the operative date of this section who are serving in the state civil service, other than temporary employees, by this chapter shall be transferred to the California World Trade Authority, and their status, positions, and rights shall not be affected by their transfer and they shall continue to be retained as employees of the California World Trade Authority pursuant to the State Civil

Service Act, except as to positions the duties of which are vested in a position exempt from civil service.

8403. The right to acquire property through condemnation, the right to issue revenue bonds, and all other powers granted to the San Francisco and Southern California World Trade Authorities and the California World Trade Authorities Coordinating Council are terminated by this section.

SEC. 4. Chapter 1508 of the Statutes of 1947 is repealed.

SEC. 5. This act shall become operative on _____.

CHAPTER 1353

An act to amend Section 16616 of the Education Code, and to add Section 11450.6 to the Welfare and Institutions Code, relating to child care.

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

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

SECTION 1. Section 16616 of the Education Code is amended to read:

16616. The Superintendent of Public Instruction shall prepare a schedule of fees which shall be used by each school district for the charging of fees to parents. For parents who come within the provisions of Section 16604, the schedule shall be on a sliding scale, ranging from a lesser amount for parents within low income levels to a higher amount for higher income levels. The schedule shall provide as nearly as possible an amount equal to fourteen cents ($0.14) per hour per child. The fee schedule shall be on an hourly basis, and shall be uniformly applied.

For parents of mentally retarded or physically handicapped children, the schedule shall be as provided in Section 16645.9.

The State Department of Education and the State Department of Social Welfare, or any county welfare department, are authorized to enter into a contract to provide for services under this chapter to families receiving public assistance or who are former or potential recipients of public assistance as defined by regulations of the State Department of Social Welfare whereby the State Department of Social Welfare or the county department pays either the total cost of such services or so much of the cost as will permit the maximum federal financial participation in such cost to become available.

The State Department of Social Welfare or a county welfare department shall have only such functions, duties and responsibilities with respect to the educational program carried on in children's centers as is required by law and federal regulations.

SEC. 2. Section 11450.6 is added to the Welfare and Institutions Code, to read:

11450.6. Out of any money made available under the provisions of Item 282 of the Budget Act of 1968, the department shall allocate to the county departments, together with any federal funds available, an amount equal to the nonfederal share of the total cost of child care services pursuant to this section. To the extent of funds so allocated, each county department shall provide child care services for persons receiving aid under this chapter who are in need of such services because they are engaged in, or, if provided such services, could engage in a work incentive program or approved vocational development program.

CHAPTER 1354

An act to amend Section 6307 of the Public Resources Code, relating to state lands, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 6307 of the Public Resources Code is amended to read:

6307. Whenever it appears to the commission to be in the best interests of the state, for the improvement of navigation, aid in reclamation, or for flood control protection, or to enhance the configuration of the shoreline for the improvement of the water and upland, on navigable rivers, sloughs, streams, lakes, bays, estuaries, inlets, or straits, and that it will not substantially interfere with the right of navigation and fishing in the waters involved, the commission may exchange lands of equal value, whether filled or unfilled with any state agency, political subdivision, person, or the United States or any agency thereof. Any land so acquired shall have the same status as to administration, control and disposition as the lands for which it was exchanged. The state may release the mineral rights in the land conveyed, as provided in Section 6401, if it receives the mineral rights in the land conveyed to it. The lands exchanged may be improved, filled, and reclaimed by the grantee, and upon the adoption of a resolution by the State Lands Commission finding and declaring that such lands have been improved, filled, and reclaimed, and have thereby been excluded from the public channels and are no longer available or useful or susceptible of being used for navigation and fishing, and are no longer in fact tidelands or submerged lands, such lands shall thereupon be free from the public trust for navigation and fishing. The grantee of any such lands conveyed

by the state may bring a quiet title action under the provisions of Chapter 7 (commencing with Section 6461) of this part.

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 to clarify and confirm the title to lands abutting Clear Lake in order to enable development to proceed with certain necessary projects.

CHAPTER 1355

An act to add Section 27055 to the Education Code, relating to the State Library, and making an appropriation therefor.

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

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

SECTION 1. Section 27055 is added to the Education Code, to read:

27055. The State Librarian shall make available on a loan basis to legally blind persons, or to persons who are visually or physically handicapped to such an extent that they are unable to read conventional printed materials, in the state tape recordings of books and other related materials. The tape recordings shall be selected by the State Library on the same basis as the State Library's general program for providing library materials to legally blind readers.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury the sum of fifteen thousand dollars ($15,000) for expenditure for the purposes authorized by this act.

CHAPTER 1356

An act making an appropriation for support of the Center for Technological Education maintained at the San Francisco State College.

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

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the Trustees of the California State Colleges the sum of ninety-three thousand dollars ($93,000), or so much thereof as may be necessary, in augmenta-

tion of the appropriation made by Item 99 of the Budget Act of 1968 for support of the trustees and the California State Colleges, to be expended during the 1968–1969 fiscal year for support of the Center for Technological Education maintained at the San Francisco State College.

CHAPTER 1357

An act to add Sections 12803.2, 12803.3 and 12803.4 to the Government Code, and to add Sections 17202.2, 17202.3, 24343.5, and 24343.6 to the Revenue and Taxation Code, relating to the relief of unemployment and small business employers, and making an appropriation therefor, to take effect immediately, tax levy.

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

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

SECTION 1. Section 12803.2 is added to the Government Code, to read:

12803.2. The Administrator of the Health and Welfare Agency or his designee may certify persons as certified trainees to qualifying employers under Section 24343.6 of the Revenue and Taxation Code. In so certifying, the administrator or his designee shall limit the total number of trainees to be certified to not more than 2,500 trainees in any fiscal year or such lesser number as the Department of Finance may establish after determination that the loss of revenue in any fiscal year as a result of the deductions allowed by Sections 17202.3 and 24343.6 of the Revenue and Taxation Code would exceed the total amount of three hundred thousand dollars ($300,000) and that it would be in the best interest of the state to limit the amount of the revenue loss. The administrator or his designee shall give preference to the following groups in order:

First Priority: Unemployed recipients of public assistance under Division 9 (commencing with Section 10000) of the Welfare and Institutions Code.

Second Priority: Unemployed persons receiving neither such assistance nor unemployment insurance.

Third Priority: Employed recipients of public assistance under Division 9 (commencing with Section 10000) of the Welfare and Institutions Code.

When certifying trainees to employers qualifying under Section 24343.6 of the Revenue and Taxation Code, the administrator or his designee shall make every effort to insure that at least 50 percent of the certified trainees reside in economically disadvantaged areas as defined in Section 9111 of the Unemployment Insurance Code.

SEC. 2. Section 12803.3 is added to the Government Code, to read:

12803 3. No person shall be certified under Section 12803.2 if:

(a) The administrator or his designee finds that the qualifying employer does not have a reasonable expectation of at least six months continuous full-time employment for each certified trainee certified to him; or

(b) The administrator or his designee finds that there is reasonable cause to believe that the qualifying employer will demote, discharge or lay off persons now employed by him and replace such persons with certified trainees; or

(c) The qualifying employer is engaged in a labor dispute; or

(d) The employment of certified trainees by the qualifying employer would constitute a breach of a collective bargaining agreement entered into by the qualifying employer; or

(e) The administrator or his designee finds that there is no substantial likelihood that the employment offered by the qualifying employer to the certified trainee will result in either substantially permanent full-time employment or an upgrading of the certified trainee's job skills to a level at which reasonably permanent full-time employment may be expected to be available to him in the community; or

(f) The administrator or his designee finds that, as to any person or class of persons or employer or class of employers to whom eligible persons may otherwise be certified as certified trainees, such certification would result in:

1. Employment involving any condition of wages, hours, conditions of employment or safety prohibited by law or by a collective bargaining agreement entered into by the employer; or

2. A surplus of unemployed labor in the community, or of persons who will be unemployed as a result of such certification; or

3. The unlawful employment of minors or the violation of any laws relating to compulsory school attendance; or

4. Detriment to the health or welfare of any person.

The administrator may, pursuant to Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of this code, make all necessary and reasonable regulations necessary to the administration of this section and Section 12803.2 of this code and may obtain the assistance of any public or private agencies in finding and encouraging suitable employers to offer employment pursuant to this act.

SEC. 2 5. Section 12803.4 is added to the Government Code, to read:

12803.4 The administrator or his designee shall collect all pertinent information relating to (1) the fiscal impact of the program set forth in Section 12803 2 on all state, federal and local public assistance programs and (2) the fiscal impact to the program set forth in Section 12803.2 on state, federal and

local tax revenues. On or before March 30, 1971, the administrator or his designee shall submit a report to the Governor which shall contain, but which is not limited to, an analysis of the net fiscal impact to the program set forth in Section 12803.2 on state, federal and local governments.

SEC. 3. Section 17202.2 is added to the Revenue and Taxation Code, to read:

17202.2. A qualifying employer, as used in Section 17202.3, is a taxpayer who was in business on January 1, 1967.

SEC. 4. Section 17202.3 is added to the Revenue and Taxation Code, to read:

17202.3. In addition to the deduction allowed for trade or business expenses and any other deductions allowed by this part, a taxpayer who is a qualifying employer as defined in Section 17202.2 shall be allowed as a deduction an amount equal to 50 percent of the direct training costs and wages, salaries or other compensation paid to any person while in training who is certified to and employed by such employer as a certified trainee within the meaning of Section 12803.2 of the Government Code, provided, however, that such certified trainee shall have been employed by the qualifying employer for not less than six months, and provided further, that at the time the employment commenced, the certified trainee was a resident of California. Such deduction shall not be taken for more than 18 months of direct training costs and wages, salary or other compensation paid to such certified trainee, nor shall such deduction while in training be allowed for any period for which the employer receives any payment or credit from an agency of the United States or this state on account of the employment of such certified trainee.

SEC. 5. Section 24343.5 is added to the Revenue and Taxation Code, to read:

24343.5. A qualifying employer, as used in Section 24343.6, is an employer who was in business on January 1, 1967, or is a newly formed subsidiary of an employer in business on January 1, 1967.

SEC. 6. Section 24343.6 is added to the Revenue and Taxation Code, to read:

24343.6. In addition to the deduction allowed for trade or business expenses and any other deduction allowed by this part, a taxpayer who is a qualifying employer as defined in Section 24343.5 may deduct from its gross income an amount equal to 50 percent of the direct training costs and wages, salaries or other compensation paid to any person while in training who is certified to and employed by it as a certified trainee within the meaning of Section 12803.2 of the Government Code, provided, however, that said certified trainee shall have been employed by the qualifying employer for not less than six months and provided further that at the time the employment commenced, the certified trainee was a resident of California. Such deduction shall not be taken for more than 18

months of direct training costs and wages, salary or other compensation paid to such certified trainee, nor shall such deduction while in training be allowed for any period for which the employer receives any payment or credit from an agency of the United States or this state on account of the employment of such certified trainee.

SEC. 7. The Administrator of the Health and Welfare Agency shall make a report to the Governor and the Legislature by the commencement of the 1970 Regular Session of the Legislature, concerning the effect of this act on employers, employees, recipients of public assistance and on public revenues. Said report shall evaluate the program established by this act and shall make recommendations concerning it. All agencies of the state and its political subdivisions shall assist the administrator in preparing said report, and shall provide statistical and other information required by him.

SEC. 8. The Legislature finds that the relief of poverty and unemployment through job opportunities offered through government and large employers must be supplemented by opportunities offered through small business employers. The Legislature further finds that small business employers are seldom equipped or financially able to offer on-the-job training experiences which will upgrade the work skills of disadvantaged persons The Legislature intends that this act shall be so administered as to encourage maximum employment of disadvantaged persons with minimum burdens on small business employers.

SEC. 9. There is hereby appropriated from the General Fund to the Department of Finance the sum of fifty thousand dollars ($50,000) for allocation to the Administrator of the Health and Welfare Agency or his designee for the purposes of this act.

SEC. 10. The provisions of this act shall expire January 1, 1971.

SEC. 11. This act shall become operative only if Assembly Bill No. 1463 of the 1968 Regular Session is enacted into law.

SEC. 12. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1358

An act making an appropriation for a loan to the City of Madera for planning and development of sewage treatment facilities, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. There is hereby appropriated from the State Water Quality Control Fund the sum of one hundred forty

thousand dollars ($140,000) to the State Water Resources Control Board for a loan by the board to the City of Madera of so much of such amount as the board determines is necessary to permit necessary planning and development of adequate sewage treatment facilities. Such loan shall be made by the board to the City of Madera subject to such conditions as the board determines are usual and necessary to insure proper and efficient use of such funds. The amount of the loan, with interest, shall be repaid by the City of Madera at such time as the actual construction of sewage treatment facilities is commenced, but in no event later than five years from the effective date of this act. Interest on such loan shall be payable at an annual rate equal to the average, as determined by the board, of the net-interest costs to the state on the sales of general obligation bonds of the state that occurred during the calendar year immediately preceding the calendar year in which the interest falls due, during each calendar year in which the loan remains outstanding; provided, that when the applicable average of the net-interest costs to the state is not a multiple of one-tenth of 1 percent, the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net-interest costs.

SEC. 2. This special act is declared to be necessary because of the serious health problem existing within the City of Madera. The City of Madera has been the only city in California since the early 1930's to suffer a waterborne epidemic resulting from a sewage treatment plant which was incapable of effectively treating waste effluent because of its age and lack of capacity, and which thereby permitted waste effluent to penetrate the city's water supply. It is hereby declared to be essential to the public health and welfare that an adequate sewage treatment facility be constructed in the City of Madera at the earliest possible time, and that in order to accomplish this it is necessary that the loan authorized pursuant to this act be made available to the City of Madera.

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 City of Madera is vitally in need of modern sewage treatment facilities in order to correct grave problems of water quality control and public health. In order that such sewage treatment facilities are made available at the earliest possible time it is essential that this act shall go into immediate effect.

CHAPTER 1359

An act to amend Sections 980, 986.3, 986.5, 987, and 987.16 of, and to add Sections 985.4, 986.01, and 987.17 to, the Military and Veterans Code, relating to veterans.

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

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

SECTION 1. Section 980 of the Military and Veterans Code is amended to read:

980. As used in this chapter, "veteran" means any citizen of the United States who served in the active military, naval or air service of the United States on or after April 6, 1917, and prior to November 12, 1918, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was, at the time of his entry into active duty, a native of or a bona fide resident of this state, or who, if a minor at such time, entered active duty while in the State of California and had lived in this state for six months immediately preceding his entry into active duty; or any person who served in the active military, naval, or air service of the United States for a period of not less than 90 consecutive days or was discharged from the service due to a service-connected disability within such 90-day period, any portion of which was on or after December 7, 1941, and prior to January 1, 1947, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was at the time of his entry into active duty a native of or bona fide resident of this state, or who, if a minor at such time, entered active duty while in the State of California and had lived in this state for six months immediately preceding his entry into active duty; or any person who served in the active military, naval or air service of the United States for a period of not less than 90 consecutive days or was discharged from the service due to a service-connected disability within such 90-day period, any portion of which was on or after June 27, 1950, and prior to February 1, 1955; or any person who served in the active military, naval, or air service of the United States for a period of not less than 90 consecutive days or was discharged from the service due to a service-connected disability within such 90-day period, any portion of which was on or after August 5, 1964, and prior to a future date to be established by the Legislature, and rendered service in a campaign or expedition for which a medal has been authorized by the government of the United States, or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was at the time of his entry into active duty a native

of or a bona fide resident of this state or who, if a minor at such time, entered active duty while in the State of California and had lived in this state for six months immediately preceding his entry into active duty.

This chapter does not include:

(a) A person who was separated from such forces under other than honorable conditions.

(b) A person who was separated from such forces on account of alienage.

(c) A person who performed no military duty whatever or refused to wear the uniform.

(d) A person who has received from another state a bonus, compensation, or benefit, the prerequisite of which is service in such forces, which service is the basis for the claim of benefits under this chapter.

(e) A person who served only in an auxiliary or reserve component of the armed forces whose service therein did not exempt him from the operation of the Selective Training and Service Act of 1940.

(f) A person whose service with the armed forces was due to temporary active duty orders for the sole purpose of training duty, processing or a physical examination.

SEC. 2. Section 985.4 is added to the Military and Veterans Code, to read:

985.4. The department shall adopt rules and regulations in keeping with the purpose of this article to establish preferences in the granting of the benefits conferred by this article.

SEC. 3. Section 986.01 is added to the Military and Veterans Code, to read:

986.01. On and after two years from the effective date of this section, all applications for the benefits contained in this article shall be filed with the department within 15 years from the date of the applicant's discharge from the service.

SEC. 4. Section 986.3 of the Military and Veterans Code is amended to read:

986.3. The department may acquire such farm or home from the owner thereof or may contract with a veteran for the construction of a dwelling house and other improvements for a farm or home, upon the terms agreed if:

(a) The department is satisfied of the desirability of the property submitted.

(b) The veteran has agreed with the department that he or members of his immediate family will actually reside on the property within 60 days from the date of purchase by the department, or if the residence on the property is not complete on the date of purchase, within 60 days after the residence is completed.

(c) The sum to be expended by the department pursuant to a contract for the construction of a dwelling house and other improvements does not exceed twenty thousand dollars ($20,000).

(d) Where the department is to contract with a veteran for the construction of a dwelling house and other buildings:

(1) The veteran is the owner in fee of the real property on which the dwelling house and other buildings are to be constructed and agrees to convey that property to the department without cost.

(2) The veteran has paid a reasonable fee set by the department to cover the cost of such preliminary service of the department as may be necessary to process the application.

(3) The veteran has filed with the department adequate plans and specifications for the improvements to be constructed upon said real property, together with a contract, executed by a contractor licensed by the State of California for the construction of said improvements in accordance with said plans and specifications within eight months after the acquisition of said real property by the department, and a bond executed by the contractor providing for compliance with the terms of said contract and for the payment of materialmen and labor furnishing material or labor on the job, executed by a surety company, authorized to do business in the State of California.

(4) The plans, specifications, contract and bond are approved by the department.

(5) The veteran has placed in escrow, all sums of money to be advanced by him where the cost is in excess of the maximum that may be expended by the department.

As used in this section "immediate family" includes only the following:

Spouse, children, either natural or adoptive; and the parents if they are dependent upon the veteran for 50 percent or more of their support.

SEC. 5. Section 986.5 of the Military and Veterans Code is amended to read:

986.5. The purchase price of a home to the department, shall not exceed the sum of twenty thousand dollars ($20,000), and a veteran purchasing the home may advance, subject to the provisions of Section 986 4, the difference between the total price or cost of the home and the sum of the purchase price of the home to the department and any amount the department is required under Section 986 9 of this code to add to the purchase price of the home in fixing the selling price thereof to the veteran The purchase price of a farm to the department shall not exceed eighty thousand dollars ($80,000), and a veteran purchasing the farm may advance the difference between the total price of the farm or cost of the dwelling and improvements to be constructed on a farm under a contract and the sum of such purchase price to the department or contract price to the department and any amount which the department is required under Section 986.9 of this code to add to such purchase or contract price to the department in fixing the selling price of the farm to the veteran.

SEC. 6. Section 987 of the Military and Veterans Code is amended to read:

987. The purchaser shall make an initial payment of at least 10 percent of the selling price of the property, in case of a farm, and 5 percent in the case of a home. The department may waive the initial payment in any case where the value of the property as determined by the department appraisal shall equal the amount to be paid by the department plus at least 10 percent in the case of a farm, and 5 percent in the case of a home. The balance of the purchase price may be amortized over a period fixed by the department, not exceeding 40 years, together with interest thereon at the rate as determined by the department pursuant to Section 987.17 for such amortization purposes. The purchaser on any installment date may pay any or all installments still remaining unpaid. In any individual case the department may for good cause postpone from time to time, upon terms as the department deems proper, the payment of the whole or any part of any installment of the purchase price or interest thereon.

SEC. 7. Section 987.16 of the Military and Veterans Code is amended to read:

987.16. Applications from veterans for home or farm purchases shall be accepted by the department only from those veterans who have not entered previously into a contract of purchase, and from those veterans whose farm or home shall have been taken by condemnation proceedings, or by voluntary conveyance in lieu of condemnation.

SEC. 8. Section 987.17 is added to the Military and Veterans Code, to read:

987.17. The department shall establish the actual interest rate to be paid. To this end the department, by a two-thirds vote of California Veterans Board members and with the approval of the Veterans' Finance Committee of 1943, is empowered to establish a uniform rate of interest payable upon the amount remaining unpaid under any veteran's purchase contract. The California Veterans Board and the Veterans' Finance Committee shall periodically, at least once each year, make a finding as to the rate of interest to be charged, not to exceed 5 percent per annum, taking into consideration the current value of money and the solvency of the Veterans' Farm and Home Building Fund of 1943. The California Veterans Board may raise or lower the rate of interest payable under such contracts for any given period as many times and as frequently as it deems to be for the best interests of the department, as well as the contract holders, if in so doing its action is made applicable alike to any and all contract holders and 90 days' advance notice be given of the time when the new rate of interest is to become effective. Any change in the interest rate shall not affect the total amount of any installment payment, but the difference shall be credited to interest or principal and accelerate or prolong the period of payment.

CHAPTER 1360

An act to amend Section 35414 of the Vehicle Code, relating to vehicle limits.

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

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

SECTION 1. Section 35414 of the Vehicle Code is amended to read:

35414. (a) The limitations of this chapter as to length of vehicles and loads shall not apply when only poles, timbers, pipes, or integral structural materials not exceeding 80 feet in length are being transported:

(1) Upon a pole or pipe dolly or otherwise lawful trailer used as a pole or pipe dolly in connection with a motor vehicle.

(2) Upon a semitrailer, except for the limitations provided in Section 35410.

(3) Upon a semitrailer and a pole or pipe dolly used in connection with a truck tractor to haul flexible integral structure material.

The provisions of this subdivision shall not apply unless the load cannot be transported within the length limitations otherwise applicable in this chapter.

(b) Tools and materials incidental to the work to be performed may be transported on a single-axle pole or pipe dolly or otherwise lawful single-axle semitrailer used as a pole or pipe dolly, transporting not more than three poles not exceeding 80 feet in length and when used by public utility companies or local public agencies engaged in the business of supplying electricity or telephone service, by the Department of Public Works, or by a licensed contractor in the performance of work for a utility, the department, or a local public agency, when such transportation is between a storage yard and job location where such tools and materials are to be used, in which event the limitations of this chapter as to length of vehicles and loads shall not apply.

CHAPTER 1361

An act to add Section 4852.21 to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, relating to certificates of rehabilitation and pardon.

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

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

SECTION 1. Section 4852.21 is added to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, to read:

4852.21. Any person to whom this chapter applies shall, prior to his discharge or release on parole from a state prison or other state penal institution or agency, be informed in writing by the official in charge of the place of confinement of his right to petition for, and of the procedure for filing the petition for, and obtaining, a certificate of rehabilitation and pardon pursuant to this chapter.

CHAPTER 1362

An act to add Section 1204.5 to the Penal Code, relating to criminal procedure.

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

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

SECTION 1. Section 1204.5 is added to the Penal Code, to read:

1204.5. In any criminal action, after the filing of any complaint or other accusatory pleading and before a plea, finding, or verdict of guilty, no judge of any court shall read or consider any written report of any law enforcement officer or witness to any offense, or any information reflecting the arrest or conviction record of a defendant, or any affidavit or representation of any kind, verbal or written, except as provided in the rules of evidence applicable at the trial, or with the consent of the accused given in open court, or affidavits in connection with the issuance of a warrant or the hearing of any law and motion matter, or any application for an order fixing or changing bail, or a petition for a writ.

CHAPTER 1363

An act to add Article 8 (commencing with Section 19700) to Chapter 10 of Division 14 of, and to amend Section 15961 of, the Education Code, relating to school districts, and making an appropriation therefor.

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

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

SECTION 1. Article 8 (commencing with Section 19700) is added to Chapter 10 of Division 14 of the Education Code, to read:

Article 8. School Housing Aid for a Regional Occupational Center in San Joaquin County

19700. Not to exceed two million dollars ($2,000,000) of the amount of the proceeds of bonds issued under the State

School Building Aid Bond Law of 1966 may be expended pursuant to this article. The funds shall be allocated by the State Allocation Board to the Board of Education of the Stockton Unified School District for the construction of a permanent campus for a newly created regional occupational center school to be located in San Joaquin County. Not to exceed two hundred fifty thousand dollars ($250,000) of such sum shall be allocated and expended for architectural and engineering services in connection with the construction.

Sections 19551 to 19555, inclusive, and Sections 19559, 19562, and 19565 of Article 1 (commencing with Section 19551) of this chapter shall be applicable to the administration of this article, unless the context of this article, as determined by the board, requires otherwise.

19700 2. It is the intent of the Legislature in enacting this article to finance the capital expenditures involved in the construction, equipping, and establishment of a regional occupational center to be maintained by the Stockton Unified School District, to serve an area in great need of occupational preparation It is the further intent of the Legislature, by this article, to improve the employment opportunities of persons residing in areas of need for such training by providing educational programs of a nature that will serve the social and economic needs of that area. The program provided will also serve to upgrade the cultural and intellectual life, as well as the economic life, of the area to be served.

19700.3. (a) Any amounts allocated and disbursed to the district pursuant to this article shall be a loan by the state to the district and shall be fully repaid with interest by the district to the state in such annual amounts and over such period as may be determined by the board, not to exceed 20 years from the date of disbursement to the district. Interest shall be paid at a rate determined by the board. Any such loan shall be repaid by the district from proceeds of a district tax levied in the manner prescribed in Section 7456, but at a rate on each one hundred dollars ($100) of assessed valuation in the district sufficient to make the payments required by the board, notwithstanding the limitations contained in Section 7456.

(b) The tax revenue referred to in subdivision (a) above shall be transferred by the County Auditor of San Joaquin County to the State Treasury for the credit of the State School Building Aid Fund in accordance with established regulations and procedures.

SEC. 2 Section 15961 of the Education Code is amended to read:

15961. Wherever in this code the power to contract is invested in the governing board of the school district or any member thereof, such power may by a majority vote of the board be delegated to its district superintendent, or to such person as he may designate, or if there be no district superintendent then to such other officer or employee of the

district as the board may designate. Such delegation of power may be limited as to time, money or subject matter or may be a blanket authorization in advance of its exercise, all as the governing board may direct; provided, however, that no contract made pursuant to such delegation and authorization shall be valid or constitute an enforceable obligation against the district unless and until the same shall have been approved or ratified by the governing board, said approval or ratification to be evidenced by a motion of said board duly passed and adopted. The school district official invested by the governing board with such power of contract shall be personally liable to the school district employing him for any and all moneys of said district paid out on any contracts made in violation or disregard of any provision of this section, but may insure himself against such liability with any insurance company authorized to do business in this state, and the cost of such insurance in whole or in part may be made a proper charge against school district funds, in the discretion of the governing board.

CHAPTER 1364

An act to amend Section 10751 of the Education Code, relating to pupil records.

[Approved by Governor August 15, 1968 Filed with Secretary of State August 15, 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 permit access to any written records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

(a) Either parent or a guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a guardian of such pupil if he is a minor.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) A state or local law enforcement officer, including a probation officer, parole officer or administrator, or member of a parole board, seeking information in the course of his duties.

(e) The State Superintendent of Public Instruction, or a member of his staff, or the county superintendent of schools of the county where the pupil attends, has attended, or intends to enroll, or a member of his staff.

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 by name in the information submitted for research, 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 1365

An act to repeal Section 6376 of the Revenue and Taxation Code, relating to sales and use taxes, to take effect immediately, tax levy.

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

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

SECTION 1. Section 6376 of the Revenue and Taxation Code is repealed.

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, this act shall not become operative unless the rate of the sales and use taxes imposed by Sections 6051 and 6201 of Part 1 of Division 2 of the Revenue and Taxation Code is changed so as to impose the sales and use taxes at a rate of less than 4 percent, and in such event this act shall become operative at the same time as the operative date of the change in the sales and use tax rate.

CHAPTER 1366

An act to amend Section 1 of Chapter 1946, Statutes of 1963, and to amend Sections 27281a, 27300, and 27300a of the Streets and Highways Code, relating to bridge and highway districts, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. The Golden Gate Bridge and Highway District and the State of California may, by agreement, provide for prepayment of the sum specified in Section 2 of Chapter 1505, Statutes 1945. The time and amount of prepayment shall be upon such terms as are mutually agreed upon by the district and by the State of California, acting through the Department of Public Works and the Department of Finance. The amount received by the state shall be deposited in the State Treasury and credited to the State Highway Fund and to the General Fund in such amounts as are mutually agreed upon between the Department of Public Works and the Department of Finance.

SEC. 1.5. Section 1 of Chapter 1946, Statutes of 1963, is amended to read:

Section 1. The Golden Gate Bridge and Highway District may, after funds have been accumulated and set aside for the retirement of the bonded indebtedness of the district and for the payment of the obligations of the district entered into pursuant to Chapter 1505, Statutes 1945, as amended, reimburse all counties within the district for taxes which were collected from the taxpayers of such counties and paid to the district for district purposes, together with interest at the rate of 4 percent per year, compounded annually, as follows:

San Francisco	$1,752,678.52
Sonoma	97,699.32
Marin	60,695.08
Napa	45,275.88
Del Norte	22,549.23
Mendocino	15,951.36

SEC. 2. Section 27281a of the Streets and Highways Code is amended to read:

27281a. After the bonded indebtedness of the district has been retired, the general manager shall furnish the board with an estimate of the tolls necessary to pay the obligations of the district. The board shall, upon the recommendation of the general manager, or such modifications thereof as it may adopt, fix such tolls as will:

(a) First, pay the operating expenses of the district;

(b) Second, provide for repairs of works, owned or operated by it; and

(c) Third, pay any indebtedness or lien that may exist against the district or any of its property or revenues. The first indebtedness or lien against these revenues shall be the obligation created pursuant to Chapter 1505, Statutes 1945, as amended, unless such indebtedness or lien has been discharged prior to retirement of the district's bonded indebtedness.

SEC. 3. Section 27300 of the Streets and Highways Code is amended to read:

27300. The board shall in each fiscal year until the bonded indebtedness of the district has been retired set aside in separate funds out of the revenues of the works a sufficient sum to:

(a) Pay the operating expenses of the district.

(b) Provide for repairs and depreciation of the works.

(c) Pay the interest on district bonds as it becomes due.

(d) Provide a sinking fund or other funds for the payment of the principal of such bonds. All appropriations heretofore made to any such sinking fund are legalized.

(e) Provide an emergency fund or other fund or funds, for use in the event of disaster, damage to, or destruction of works, owned or operated by the district, and for any purpose which the district board of directors may deem necessary and advisable for the safe, efficient and proper operation and maintenance of bridge and highway district properties, and/or to carry out the provisions of this act. All appropriations heretofore made to an insurance reserve fund for any such aforesaid purpose are legalized.

Until the bonded indebtedness of the district has been retired or until funds have been accumulated and set aside for the retirement of the bonded indebtedness of the district, the revenues of the works are hereby pledged to the aforesaid purposes.

SEC. 4. Section 27300a of the Streets and Highways Code is amended to read:

27300a. The board shall in each fiscal year after the bonded indebtedness of the district has been retired set aside in separate funds out of the revenues of the works a sufficient sum to:

(a) First, pay the operating expenses of the district;

(b) Second, provide for repairs of the works; and

(c) Third, pay any indebtedness or lien that may exist against the district or any of its property or revenues. The first indebtedness or lien against these revenues shall be the obligation created pursuant to Chapter 1505, Statutes 1945, as amended, unless said indebtedness or lien has been discharged prior to retirement of the district's bonded indebtedness.

After the bonded indebtedness of the district has been retired, the revenues of the works are hereby pledged to the aforesaid purposes.

SEC. 5. This act shall become operative on July 1, 1968.

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 Golden Gate Bridge and Highway District, the only district formed pursuant to the Bridge and Highway District Act, now has on hand sufficient money to pay the principal and interest on all outstanding bonds and to make the repayment to the state required by Chapter 1505, Statutes of 1945, and to counties as required by Chapter 1946, Statutes of 1963, and inasmuch as the state and each of said counties urgently need all available revenue to assist in financing the operation of the state government and each of said county governments for the 1968–69 fiscal year, it is essential that this act go into immediate effect so that the money repaid may be available at the commencement of the 1968–1969 fiscal year.

CHAPTER 1367

An act to amend Section 5605 of the Education Code, relating to seventh and eighth grade tuition payments, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 5605 of the Education Code is amended to read:

5605. The governing board of any elementary school district situated within a high school district maintaining a junior high school shall permit pupils who have completed the sixth year of the elementary school to attend the junior high school and shall pay to the high school district for the education of the pupils a tuition charge determined pursuant to this section. The amount of the tuition charge shall be computed as follows:

(a) By multiplying each one hundred dollars ($100) of the assessed valuation of the elementary school district for the current fiscal year, by a computational tax rate. The computational tax rate shall be one dollar and fifty cents ($1.50), increased, where necessary, by a rate which will raise an amount equal to the percentage of miscellaneous funds (as defined by Section 17606), and the percentage of federal funds (as defined by Section 17605) utilized for the fiscal year for purposes of Section 17603.5. For purposes of such computations, the assessed valuation of the district shall be modified as required by Section 17262.

(b) By multiplying the product derived under subdivision (a) by the ratio which the average daily attendance of pupils of the elementary school district attending grades 7 and 8 of

the junior high school during the current fiscal year, bears to the total average daily attendance of the elementary school district, including such pupils in grades 7 and 8, during the current fiscal year. For the purposes of this section, average daily attendance of kindergarten pupils shall not be adjusted by a factor of 1.5, as provided in Section 11301.

On or before January 1st of each fiscal year, the governing board of the elementary school district shall draw its warrant in favor of the high school district against the general fund of the elementary school district in the amount of fifty percent (50%) of the estimated tuition charge due to the high school district for the attendance of pupils at the junior high school during the current fiscal year. The amount of the warrant shall be credited to the general fund of the high school district.

On or before July 15th following the close of the fiscal year, the governing board of the elementary school district shall draw its warrant in favor of the high school district against the general fund of the elementary school district in the amount of the difference between the final tuition as computed by this section and the first installment paid to the high school district. The amount of the warrant shall be credited to the general fund of the high school district The revenues, although received after the close of the fiscal year shall be considered revenues of the preceding fiscal year

SEC. 1.5. Section 5605 of the Education Code, as amended by Section 1 of this act, shall, at the election of the governing board of any affected high school district, govern the determination of tuition charges for the 1967–1968 school year as though the section, as so amended, had been in effect and operative on July 1, 1967. For such purposes, notwithstanding the provisions of Section 5605 fixing the 15th day of July as the final date for drawing of the warrant for the final tuition payment, the date for making such final tuition payment shall be extended to September 15, 1968. Final tuition payments made for the 1967–1968 school year on or before July 15, 1968, shall be corrected pursuant to this act on or before September 15, 1968, when the governing board of an affected high school district has exercised the election provided for in 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 the passage of three measures concerning Section 11301 of the Education Code, unforeseen effects have resulted regarding seventh and eighth grade tuition computations that were not intended. Immediate clarification of this condition is necessary to ensure the continued efficient and effective operation of the public schools of the state. Therefore, it is necessary that this act take immediate effect.

CHAPTER 1368

An act to amend Section 1239 of the Penal Code, relating to criminal procedure, and making an appropriation therefor.

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

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

SECTION 1. Section 1239 of the Penal Code is amended to read:

1239. (a) Where an appeal lies on behalf of the defendant or the people, it may be taken by the defendant or his counsel, or by counsel for the people, in the manner provided in rules adopted by the Judicial Council.

(b) When upon any plea a judgment of death is rendered, an appeal is automatically taken by the defendant without any action by him or his counsel. If the defendant is unable to afford the services of counsel, the Supreme Court shall appoint counsel to represent him in any appeal to the Supreme Court, or any appeal or other review in the Supreme Court of the United States.

SEC. 2. In addition to any other money that may be appropriated therefor, there is hereby appropriated from the General Fund to the Supreme Court the sum of twenty-five thousand dollars ($25,000) for compensation and necessary expenses of counsel appointed by the Supreme Court pursuant to subdivision (b) of Section 1239 of the Penal Code, for payment pursuant to Section 1241 of the Penal Code.

CHAPTER 1369

An act to add Section 11006.5 and Division 2 (commencing with Section 5000) to the Unemployment Insurance Code, to amend Sections 10652 and 15100 of, and to add Article 3 (commencing with Section 11300) to Chapter 2 of Part 3 of Division 9 of, and Sections 15153.5 and 15205 to, and to repeal Article 3 (commencing with Section 11300) of Chapter 2 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to work incentive programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 10652 of the Welfare and Institutions Code is amended to read:

10652. The State Department of Social Welfare and the State Department of Rehabilitation, acting jointly, shall se-

lect public assistance recipients who qualify under either federal or state vocational rehabilitation laws, or both, as being in need of, and being able to benefit from, rehabilitation services pursuant to this chapter.

The two departments shall enter into a statewide agreement for the purpose of implementing the provisions of this section.

Any agreement entered into by the two departments pursuant to this section shall include plans which provide for the most effective use of all federal funds available to the two departments. Such plans may include budgetary transfers, subject to authorization of the Director of Finance, when such transfer will result in increased funds available for vocational rehabilitation services for public assistance recipients, and for former and potential recipients.

All increased funds made available as a result of the implementation of agreements and plans made pursuant to this section, shall be used exclusively to provide vocational rehabilitation service for current, former, or potential public assistance recipients.

SEC 1 5. Article 3 (commencing with Section 11300) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 2. Article 3 (commencing with Section 11300) is added to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 3. Work Incentive Programs

11300. Each county department shall promptly refer to the Department of Employment for participation under a work incentive program pursuant to Chapter 3 (commencing with Section 5200) of Division 2 of the Unemployment Insurance Code each person selected as being appropriate for referral and for such participation in accordance with criteria and standards established by the Department of Social Welfare pursuant to subdivision (19)(A) of Section 402(a) of the Social Security Act as amended by Public Law 90-248. In developing such criteria and standards, the Department of Social Welfare shall consult with the Department of Employment.

11301. The Department of Social Welfare and the Department of Employment shall, by joint agreement, identify the kinds of information regarding persons referred pursuant to Section 11300 which are required for the efficient administration of work incentive programs, and develop methods and procedures which will assure the prompt and orderly exchange of such information between them. Such methods and procedures shall, when promulgated by the Department of Social Welfare, be binding upon the county departments.

11302. It is the intent of the Legislature in enacting this article to reduce the incidence of persons with potential for self-support in existing caseloads and thereby to permit a

greater concentration of services and other resources towards improving conditions of life for dependent persons.

11303. Nothing in this chapter shall be construed to discontinue aid under this chapter to a person referred to the Department of Employment under this article prior to the time he begins participation in a work incentive program provided by the department, or to deny social services for former or potential recipients of aid under this chapter to persons referred to the Department of Employment under this article while participating in a work incentive program when such services are requested by the Department of Employment, to the extent permitted by federal law.

11304. Except as required by federal law, nothing in this article shall be construed to preclude or modify aid or services under this chapter to a person who refuses to participate, or discontinues participation, in a work incentive program, in any of the following circumstances:

(a) Prior to a final decision that his withdrawal or refusal was not with good cause, pursuant to the provisions of Chapter 4 (commencing with Section 5300) of Division 2 of the Unemployment Insurance Code.

(b) The Department of Employment determines that his participation or continuance in a work incentive program would not be useful or beneficial to him.

(c) The Department of Employment determines that an appropriate work incentive program is not available for him because of lack of funds.

(d) Any circumstance which is not a basis for precluding or modifying such aid or services permitted under federal law.

11305. To the extent permitted by federal law, participants in work incentive programs shall not be identified or classified as recipients of aid to families with dependent children for the purposes of statistics or reports published by any state or county agency or department regarding aid under this chapter.

11306. In formulating the minimum basic standards of adequate care pursuant to Section 11452, the Department of Social Welfare shall establish an assistance payment plan and methods of grant computation that are designed to work in harmony with the employability plan developed by the Department of Employment in accordance with the work incentive program administered by that department pursuant to Division 2 (commencing with Section 5000) of the Unemployment Insurance Code It is the intent of the Legislature that income and resources expected to be available to the recipient during the period the employability plan is in effect shall be estimated by the county department at the time the recipient is accepted as a participant under the work incentive program and at six-month intervals thereafter.

11307. The Department of Social Welfare shall provide special safeguards in the referral of a mother with preschool age children for participation in work incentive programs to assure that such referral shall be in the best interests of the

mother and her family, and that adequate child care will be provided in her absence.

11308. Upon notification of the Department of Employment that, pursuant to Chapter 4 (commencing with Section 5300) of Division 2 of the Unemployment Insurance Code, there has been a final determination that a person referred to it under Section 11300 has refused without good cause to accept employment or to participate in a work incentive program, the county department shall discontinue cash aid payments, and shall continue aid under a controlled payment plan in accordance with federal law and the regulations of the department. The allowance for such person's needs shall not be included under a controlled payment plan, except for the first 60 days if during such time he accepts counseling or other services provided by the county department aimed at persuading him to follow the prescribed program.

SEC. 3. Section 15100 of the Welfare and Institutions Code is amended to read:

15100. A revolving fund in the State Treasury is hereby created, to be known as the Welfare Advance Fund. All moneys in the fund are appropriated for the purpose of making payments or advances to counties or the Department of Employment of the state and federal shares of assistance, work incentive or medical care programs or the cost of administration of such programs, and for the payment of refunds.

Payments or advances of funds to counties or the Department of Employment, which are properly chargeable to appropriations made from other funds in the State Treasury, may be made by Controller's warrant drawn against the Welfare Advance Fund. For every warrant so issued, the several purposes and amounts for which it was drawn shall be identified for the payee.

The amounts to be transferred to the Welfare Advance Fund at any time shall be determined by the department, and, upon order of the Controller, shall be transferred from the funds and appropriations otherwise properly chargeable therewith to the Welfare Advance Fund.

Refunds of amounts disbursed from the Welfare Advance Fund shall, on order of the Controller, be deposited in the Welfare Advance Fund, and, on order of the Controller, shall be transferred therefrom to the funds and appropriations from which such amounts were originally derived. Claims for amounts erroneously paid into the Welfare Advance Fund shall be submitted by the department to the State Controller who, if he approves such claims, shall draw his warrant in payment thereof against the Welfare Advance Fund.

All amounts increasing the cash balance in the Welfare Advance Fund, which were derived from the cancellation of warrants issued therefrom, shall, on order of the Controller, be transferred to and in augmentation of the appropriations from which such amounts were originally derived.

SEC. 4. Section 15153.5 is added to the Welfare and Institutions Code, to read:

15153.5. Notwithstanding any provision of this article to the contrary, state and federal funds normally due counties for aid payments in behalf of appropriate participants under work incentive programs administered by the Department of Employment, and the families of such participants, shall be transferred by the Controller to the Manpower Development Fund established pursuant to Section 5400 of the Unemployment Insurance Code. In addition, an amount of money not in excess of the county share of such aid payments shall be determined and deducted from advances of state and federal funds due counties pursuant to Section 15153.

The Department of Social Welfare and the Department of Employment, subject to the approval of the Director of Finance and the Controller, shall establish procedures and methods for the maintenance of information and accounts and the preparation of reports essential to meet federal requirements, and to provide the Controller with financial statements to support the required transfer of funds.

SEC. 4.1. Section 11006.5 is added to the Unemployment Insurance Code, to read:

11006.5. Notwithstanding the provisions of Section 11006, funds shall be deposited by the Director of Finance in the Manpower Development Fund under the provisions of Section 11006, only upon recommendation of, and in the amount determined by, the Secretary of the Human Relations Agency upon a finding that such amount is reasonably necessary to provide services for eligible persons under this part. Upon such recommendation the Director of Finance shall order deposit of funds for job training and placement services to eligible persons made available under the provisions of the Vocational Rehabilitation Act as amended, in the fund, in the amount determined by the secretary.

SEC 4.2. Section 4.1 of this act shall become operative only upon the enactment of Assembly Bill No. 1463 of the 1968 Regular Session, and shall become operative at the same time as Part 1 (commencing with Section 9000) of Division 3 of the Unemployment Insurance Code, as added by Assembly Bill No. 1463.

SEC. 4.5. Section 15205 is added to the Welfare and Institutions Code, to read:

15205. Notwithstanding the other provisions of this article, there shall be deducted from the moneys appropriated to each county under this article a sum equal to the state and county shares of the public assistance grant that would otherwise be payable each month for each person transferred by the department to the Department of Rehabilitation for vocational rehabilitation pursuant to an agreement under Section 10652. In the case of a member or members of a family unit receiving aid to families with dependent children, the sum to be de-

ducted and transferred shall be equal to the state and county shares of the public assistance grant on behalf of the family. Such sum shall be transferred in the Budget Act to the Department of Rehabilitation and used to provide vocational rehabilitation services for such persons as provided in Section 10652.

SEC. 4.6. The Department of Rehabilitation shall report on the operation and implementation of Sections 1 and 4.5 of this act to the Legislature no later than the fifth legislative day of each regular session of the Legislature.

SEC. 5. Division 2 (commencing with Section 5000) is added to the Unemployment Insurance Code, to read:

DIVISION 2. WORK INCENTIVE PROGRAMS

CHAPTER 1. GENERAL PROVISIONS

5000. The purpose of this division is to establish a program utilizing all available manpower services, including those authorized under other provisions of law, under which individuals receiving aid to families with dependent children will be furnished incentives, opportunities, and necessary services towards the employment of such individuals in the regular economy, the training of such individuals for work in the regular economy, and the participation of such individuals in special work projects, thus restoring the families of such individuals to independence and useful roles in their communities. It is expected that the individuals participating in the program established under this division will acquire a sense of dignity, self-worth, and confidence which will flow from being recognized as a wage-earning member of society and that the example of a working adult in these families will have beneficial effects on the children in such families.

5001. It is the intent of the Legislature to concentrate maximum state efforts on providing increased employment opportunities and upgrading of employment skills in order to open the way to permanent self-support for persons who have been or otherwise might become dependent on public aid. To this end the Legislature intends that persons affected by this chapter shall be assigned to the primary jurisdiction of the Department of Employment, which shall be responsible for implementing and executing the provisions of this chapter.

Consistent with the intent of the Legislature to promote and achieve permanent employment of persons qualifying for work incentive programs under this division, it shall be the responsibility of each state agency and the political subdivisions of this state to cooperate by providing as many opportunities as possible for the permanent employment of such persons.

5002. The provisions of this division shall be administered by the Department of Employment.

5003. As used in this division, "department" shall mean the Department of Employment.

5004. As used in this division, an "employment and training program" means a work incentive program as described in subdivision (1) of Section 432(b) of the Social Security Act as amended by Public Law 90-248 for persons under this division, an "institutional and work experience training program" means a work incentive program as described in subdivision (2) of Section 432(b) of the Social Security Act as amended by Public Law 90-248 for persons under this division, and a "special work projects program" means a work incentive program as described in subdivision (3) of Section 432(b) of the Social Security Act as amended by Public Law 90-248 for persons under this division.

5005. As used in this division, the term "work incentive programs" means those programs established by the department pursuant to Section 5200.

5006. Nothing in this division or Article 3 (commencing with Section 11300) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code shall be construed to remove persons under this division from the operation of subdivision (a) of Section 14005 of the Welfare and Institutions Code to the extent permitted by federal law.

5007. (a) Good cause for refusal to participate in a work incentive program shall be deemed to exist, when:

(1) Participation would be unreasonable because it would interrupt a program in process for permanent rehabilitation or self-support or conflict with an imminent likelihood of reemployment at the person's regular work, or

(2) Participation would be unreasonable because the assignment is not suited to the person's abilities or potential, or will not lead to realistic employment opportunities suited to the person's abilities or potential.

(b) Good cause for refusal of employment shall be deemed to exist when:

(1) The offer of employment is not for a specific job at a stated wage which meets the wage rate requirements set by the department, or

(2) The job is available because of a bona fide labor dispute, or

(3) The job is not within the physical or mental capacity of the person, as established, when necessary, by competent professional authority, or

(4) Acceptance would be unreasonable because it would interrupt a program in process for permanent rehabilitation or self-support or conflict with an imminent likelihood of reemployment at the person's regular work.

5008. The department shall make every effort to meet the following priorities in wage rates for persons under this division, and may require in its regulations that such rates be paid, whenever reasonable:

(1) The prevailing wage for such work in the community.

(2) A wage at least comparable to the lowest wage for such work in the community.

5009. To the extent permitted by federal law, state and federal income taxes, employee's contributions for unemployment compensation disability benefits and old age survivors and disability insurance, and any work-related expenses deductible for the purposes of state or federal income taxes, shall not be considered in computing the amount of payments under Section 5402.

5010. If the Secretary of Labor or the Secretary of Health, Education, and Welfare issues a formal ruling that any provision of this division or of the Welfare and Institutions Code pertaining to programs established under this division cannot be given effect without causing the state's plan to be out of conformity with federal requirements, that provision shall become inoperative to the extent it is out of conformity with federal requirements.

In the event that such a ruling is issued, the department shall immediately inform the appropriate policy committees of the Legislature in writing.

5011. As used in this division, the term "training stipend" shall mean the total monthly payment to persons in work incentive programs as designated in subdivision (2) of Section 432(b) of the Social Security Act as amended by Public Law 90-248.

5012. Notwithstanding any other provision of state law, the Department of Employment in cooperation with the Department of Social Welfare shall, to the extent practicable and permitted by federal law, develop methods and procedures which shall provide for payment of all moneys due a participant in the form of a single payment by the Department of Employment for each pay period.

5013. To the maximum extent possible, the department shall conform to the following priorities in assigning persons to work incentive programs:

(1) Persons who were in training or employment under a community work and training program immediately preceding the effective date of this division.

(2) Unemployed fathers.

(3) Unemployed mothers whose children are school age or older.

(4) Unemployed mothers with preschool age children.

5014. It is the intent of the Legislature that the department shall make maximum use of the accumulated experience of personnel who were employed by county welfare departments in job training and placement programs immediately preceding the effective date of this division.

5015. Institutional and work experience training programs and special work projects developed under this division shall be confined to programs which serve a useful public purpose and do not result in the displacement of employed workers.

CHAPTER 3. WORK INCENTIVE PROGRAMS

5200. The Department of Employment, in cooperation with the Secretary of Labor, shall establish work incentive programs as designated in Part C (commencing with Section 430) of Title 4 of the Social Security Act, as amended by Public Law 90-248, for persons as described in Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code and such other persons as may be permitted under subdivision (19) of Section 402(a) of the Social Security Act as amended by Public Law 90-248.

5201. The department shall contract with state departments or public or private agencies or organizations for the provision of work incentive programs to all persons under this division who need or would benefit from such services as may be permitted under federal law.

In selecting facilities for institutional and work experience programs under this division, the department shall consider whether existing private and community facilities in the area are being utilized to the fullest extent before establishing any new facilities at public expense. In order to assure that increased utilization of such existing facilities is accomplished where appropriate, the department shall survey the area to be served and shall notify all such facilities in the area prior to establishing institutional and work experience programs.

5202. The department, in cooperation with the Department of Social Welfare, shall report to each regular session of the Legislature, not later than the fifth legislative day, on the effectiveness of the program established under this division. The department's reports shall detail any economic and other advantages to the people of California which have resulted from the program, including the effect upon state costs, increased productivity and improved social performance by persons under the program, taxes paid by such persons, and the payment of wages as opposed to cash grants.

CHAPTER 4. DETERMINATIONS, HEARING, AND APPEALS PROCEDURE

5300. To the extent permitted by federal law, the manner and conduct of hearings and appeals concerning determinations under this chapter shall be in accordance with this chapter and with rules prescribed by the California Unemployment Insurance Appeals Board as provided by Section 411. As used in this chapter, "Appeals Board" means the California Unemployment Insurance Appeals Board.

5301. Whenever an individual referred to the department pursuant to Section 11300 of the Welfare and Institutions Code refuses to accept employment or refuses to participate in, or withdraws from, a work incentive program established pursuant to Section 5200, the department shall determine within three days thereof whether the individual had good cause for refusal or withdrawal.

5302. If the department determines under Section 5301 that an individual had good cause for refusal or withdrawal, the department shall notify the individual, the county welfare department, and the Department of Social Welfare. If the department determines under Section 5301 that an individual did not have good cause for refusal or withdrawal, the department shall so notify him by mail or personal service within three days of the determination, stating the reasons for the determination, and shall notify the county welfare department and the Department of Social Welfare. The notice to the individual shall set forth the possible effect of the determination on the individual's payments under this division and Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, and shall inform him of his right to an appeal and to a fair hearing. He may, within 10 days after the mailing or personal service of the determination, file an appeal to a referee of the appeals board. The 10-day period may be extended for good cause. An appeal need not be formal, but it shall be in writing.

5303. The referee shall hold a fair hearing promptly after the filing of an appeal from a determination under this chapter. The referee shall give the individual and the department at least seven days' notice of the time and place of the hearing. The time of notice may be shortened with the consent of the parties.

5304. The hearing shall be conducted in such manner as to ascertain the substantial rights of the parties and the referee shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. Sections 1953, 1954, 1955, and 1956 shall apply to hearings held under this chapter.

5305. Promptly after the hearing, the referee shall mail or personally serve on the appellant, the department, the county welfare department, and the Department of Social Welfare a written copy of his decision whether the appellant had good cause for the refusal or withdrawal.

5306. The individual and the department may, within 10 days after the mailing or personal service of the referee's decision under Section 5305, file an appeal to the appeals board. The 10-day period may be extended for good cause. An appeal need not be formal, but it shall be in writing.

5307. Sections 407, 408, 409, 1953, 1954, 1955, 1956, and 1959 shall apply to an appeal to the appeals board under this chapter. The appeals board shall promptly render its decision upon the appeal. A copy of the decision shall be mailed to or personally served on the individual, the county welfare department, the Department of Social Welfare, and the department.

5308. A decision of the appeals board under this chapter shall be final except that the individual shall be entitled to any right of further appeal guaranteed him by federal law.

CHAPTER 5. FISCAL PROVISIONS

5400. The Manpower Development Fund is hereby created for payments to persons in work incentive programs and for the costs of administration thereof. All moneys received by the department from the federal government available for work incentive programs, and any other moneys received by the department for such purposes, shall be deposited in the Manpower Development Fund.

The following sums are hereby appropriated to the State Department of Employment for the purposes of this division:

(a) Without regard to fiscal years all moneys deposited in the Manpower Development Fund.

(b) From the General Fund in the State Treasury the sum of three million three hundred thousand dollars ($3,300,000) for the 1968–69 fiscal year, less the amounts in cash or in kind available from other sources, for the state's share of cost of training, supervision, materials, and administration of, and for the state's share of incentive payments and training stipends to persons participating in work incentive programs under Division 2 (commencing with Section 5000) of the Unemployment Insurance Code, subject to the following conditions:

(1) In no event shall the expenditure of funds appropriated under this subdivision exceed 20 percent of the total Work Incentive Program cost as prescribed by the Secretary of Labor less the amounts in cash or kind available from other sources;

(2) None of the moneys appropriated under this subdivision shall be available until federal funds become available to the state for the Work Incentive Program or it is determined by the Director of Finance that it is in the best interest of the state to allocate these funds to implement the program; and

(3) No moneys appropriated under this subdivision shall be available until they are allocated by the Director of Finance.

5401. Pursuant to Section 5012, the department shall pay a training stipend from the Manpower Development Fund to each participant in an institutional and work experience training program each month equal to the sum of an amount not less than the grant for which he would otherwise qualify under the aid to families with dependent children program, plus an incentive payment of not more than thirty dollars ($30) per month, payable in such amounts and at such times as permitted by federal law. To the extent permitted by federal law, incentive payments shall be less than thirty dollars ($30) only in cases of pro rata reduction for absence from a program.

5402. Pursuant to Section 5012, the department shall pay as compensation from the Manpower Development Fund to each participant in a special work projects program each month an amount which, when added to his wages paid by his employer, is not less than the amount of the grant he would otherwise qualify for under the aid to families with dependent children program plus 20 percent of his wages.

5403. The department shall estimate costs of the work incentive programs and submit to the Department of Finance for inclusion in the Governor's Budget a complete and detailed budget at such time and in such form as may be prescribed by the Department of Finance. The Department of Social Welfare and all other state and county departments and agencies shall cooperate in all matters relating to the preparation of such budget.

SEC. 5.5. The appropriation made by this act is intended to relieve local government from the necessity of making expenditures from revenues derived from property taxation and the amount appropriated by this act shall be deemed to be for property tax relief within the meaning of Section 64 of Chapter 1209 of the Statutes of the 1967 Regular Session of the Legislature, as amended by Section 4 of Chapter 408 of the Statutes 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:

The Governor has named the concentration on, and expansion of, opportunities for welfare recipients to reenter the productive labor market as a leading priority in welfare. He has also encouraged measures to relieve some of the burdens placed by welfare programs on the local property tax.

Public Law 90-248, as enacted by Congress, amends provisions of the Social Security Act as it relates to aid to families with dependent children, provides for termination of the community work and training programs and establishes a Work Incentive Program to be administered by the Department of Labor.

To assure that the state can derive maximum benefits from the institution of this program in accordance with the provisions contained in Section 6 of this act, it is essential that this act go into effect immediately.

CHAPTER 1370

An act to add Chapter 3.5 (commencing with Section 23480) to Division 17 of the Education Code, relating to graduate community teaching fellowships, and making an appropriation therefor.

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

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

SECTION 1. Chapter 3.5 (commencing with Section 23480) is added to Division 17 of the Education Code, to read:

CHAPTER 3.5. GRADUATE COMMUNITY TEACHING FELLOWSHIPS

23480. It is the intent of the Legislature in providing funds for graduate community teaching fellowships:

(a) To encourage school districts with large numbers of educationally disadvantaged children to enter into cooperative arrangements with branches of the University of California for the provision of specialized teaching for disadvantaged children at the elementary level; and

(b) To provide graduate students in mathematics who wish to engage in such services a source of financial support comparable to that provided by the teaching assistant program.

23481. All moneys appropriated to the University of California, for the purposes of this chapter, shall be distributed on the same basis as funds for teaching assistantships, subject to the following criteria:

(1) The administration of the University of California shall have final authority with regard to release of such funds.

(2) In order to participate in this program as a paid employee of the university assigned to a particular school district, (1) a student must be enrolled at any one of the participating branches of the university for a graduate degree in one of the mathematical sciences; (2) the student's program adviser and the chairman of the department in which the graduate student is undertaking a majority of his academic work must approve and certify that the student's program will not be jeopardized; and (3) a contract entered into between a branch of the university and a school district shall be contingent upon a joint recommendation by the student's program adviser and department chairman.

23482. Although employed in a school district and conducting himself according to stipulations set forth by the school district in the agreement, the graduate student shall be deemed the employee of the University of California for all purposes.

23483. In order to receive a salary comparable to that provided a teaching assistant or research assistant, the community teaching fellow shall teach the equivalent of one full class period per day for five days per week for the school year.

23484. If for any reason other than reasons applicable to the teaching assistant program, the graduate teaching fellow does not teach for as many hours per week or per semester as called for in the agreement, his stipend shall be reduced on a pro rata basis.

23485. Provisions of this chapter shall apply only to the University of California, and graduate community teaching fellowships are to be limited to students enrolled for a graduate degree in one of the mathematical sciences.

23486. Although all school districts are encouraged to undertake cooperative arrangements with the University of California for the purposes of this chapter, only school districts with elementary schools serving areas which meet the criteria

set forth in Section 6482 may utilize a graduate community teaching fellow whose salary is provided under preceding sections of this chapter.

23487. Results of the graduate community teaching fellowship program are to be evaluated by the school district separately in the same manner as current programs of compensatory education at the end of each school year. Provisions for such evaluation shall be included in the terms and conditions of the contract between the school district and the university.

SEC. 2. There is hereby appropriated from the General Fund to the University of California the sum of fifteen thousand dollars ($15,000), to be available upon the effective date of this act, for purposes of developing procedures to administer the program provided for in Chapter 3.5 (commencing with Section 23480) of Division 17 of the Education Code; provided, that funds unexpended from this appropriation shall revert to the General Fund.

SEC. 3. The graduate community teaching fellowship program established pursuant to Chapter 3.5 (commencing with Section 23480) of Division 17 of the Education Code shall become operative on July 1, 1969.

SEC. 4. The University of California shall report to the Legislature by the fifth legislative day of the 1971 Regular Session on (1) the extent to which the program has been utilized; (2) the effect of the program on the overall achievement of pupils who have participated in the program; (3) the effect participation in the program is deemed to have had on graduate community teaching fellows.

CHAPTER 1371

An act to add Article 4.5 (commencing with Section 8375) to Chapter 4 of Division 7 of the Education Code, relating to work experience education in high schools.

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

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

SECTION 1. Article 4.5 (commencing with Section 8375) is added to Chapter 4 of Division 7 of the Education Code, to read:

Article 4.5. High School Work Experience Education

8375. In order to encourage high schools to make available programs of work experience education as provided in Article 4 of this chapter, there is hereby appropriated the sum of fifty thousand dollars ($50,000) for the 1968–69 fiscal year

and three hundred thousand dollars ($300.000) for each of the fiscal years, 1969–70 and 1970–71 from the General Fund to the Department of Education. These funds are to be used for providing new or expanded work experience education programs in high schools serving areas with high concentrations of urban poverty as defined in Section 6482, and in other high schools of the state.

8376. It is the intent of the Legislature in enacting this article to increase the ability of the school districts of the state to provide useful occupational training and marketable skills for all students who desire such experience, by providing school districts easier access to federal matching funds available under the Vocational Education Act of 1963.

The Legislature intends that the total state appropriation each fiscal year for the purposes of this article, when added to the required effort of participating school districts shall be used as matching funds for federal funds available under the Vocational Education Act of 1963.

8377. School districts desiring to participate under the provisions of this article shall submit applications demonstrating their plan for the establishment or improvement of such programs.

8378. Funds appropriated under this article shall be used, to the greatest extent possible, for the employment of work experience education coordinators and for the expenses necessary for the support of their function.

8379. In order that equal numbers of coordinators may be employed in high schools serving areas with high concentrations of urban poverty as well as in other high schools of the state, funds not utilized in one area as defined in Education Code Section 6482 may be used in other such defined areas, or in other high schools of the state.

8380. In school districts with high schools in areas having high concentrations of urban poverty as defined in Education Code Section 6482, the state's contribution from funds available under Section 8375 for the employment of work experience education coordinators and necessary ancillary services shall be equalized on the basis of 50 percent of the local districts' expenditures, exclusive of federal funds for the purpose of this article, in districts with an average assessed valuation per unit of average daily attendance.

For such programs in other high schools of the state, the state's contribution shall be equalized on the basis of 25 percent of the local districts' expenditures, exclusive of federal funds for the purpose of this article, in districts with an average assessed valuation per unit of average daily attendance.

8381. Subject to the provisions of Section 8379, 75 percent of the amounts appropriated pursuant to Section 8375 shall be allocated to districts in areas having high concentration of urban poverty as defined by Section 6482, and 25 percent shall be allocated to other districts.

8381.1. The Superintendent of Public Instruction shall allow to each district with high schools in areas having high concentration of urban poverty as defined in Section 6482 for which an application under this article has been approved, an amount equal to the total funds, exclusive of federal funds, to be expended for the purposes of this article, diminished by the product of the ratio which the assessed valuation per unit of average daily attendance in grades 9 through 12 during the preceding fiscal year in the district bears to the assessed valuation per unit of such average daily attendance in the state and one-half of the total funds, exclusive of federal funds to be expended for the purpose of this article.

8381.2. The Superintendent of Public Instruction shall allow to each district, other than those for which an allowance was made under Section 8381.1, for which an application has been approved under this article, an amount equal to the total funds, exclusive of federal funds, to be expended for the purposes of this article, diminished by the product of the ratio which the assessed valuation per unit of average daily attendance in grades 9 through 12 during the preceding fiscal year in the district bears to the assessed valuation of such average daily attendance in the state and three-fourths of the total funds, exclusive of federal funds to be expended for the purpose of this article.

8382. The Superintendent of Public Instruction shall report to the Legislature no later than the fifth legislative day of the 1971 Regular Session on the extent to which school districts in the state have utilized the funds herein provided.

Such report shall also indicate the number of students served as a direct result of this support and their total earnings, and shall provide followup data to indicate as nearly as possible the post-high school employment success of each participating student.

8383. The State Board of Education shall adopt rules and regulations necessary to the effective administration of this article.

CHAPTER 1372

An act to add Division 12 (commencing with Section 28000) to the Financial Code, relating to small business assistance, and making an appropriation therefor.

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

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

SECTION 1. Division 12 (commencing with Section 28000) is added to the Financial Code, to read:

DIVISION 12. SMALL BUSINESS ASSISTANCE PROGRAM

CHAPTER 1. GENERAL PROVISIONS

28000. This division shall be known as the Small Business Assistance Program Law.

28001. The Legislature hereby finds and declares that:

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

(b) Certain noneconomic risks exist within such low income areas in the state which make it difficult for financial institutions to grant small business opportunity loans to persons for small businesses in such areas in order to provide employment opportunities for the unemployed.

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

28002. It is the intention of the Legislature in enacting this division, on a pilot program basis, to promote small business enterprises within various low income areas, as well as to develop the entrepreneurial talent of residents therein, to eliminate unemployment in such areas. It is also the intention of the Legislature that banks and other financial institutions cooperate with any public or private organization which is attempting to assist the economic development of such areas, and work in conjunction with federal loan-guaranteeing agencies such as the Small Business Administration in making loans to persons eligible for technical assistance. It is not the intention of the Legislature to provide funds under this division for the capitalization of any small business; but to promote and encourage such loans by private banks and other financial institutions to persons eligible for technical assistance under this division, and to permit such banks and financial institutions to make loans on a risk basis giving consideration to the technical assistance to be provided to a loan applicant.

CHAPTER 2. DEFINITIONS

28010. Unless the context otherwise requires, the definitions contained in this chapter govern the construction of this division.

28011. "Low income area" means an area as defined by a severity score based upon the sum of the following:

(1) The percentage of families of not less than 20 percent in the census tract or tracts whose 1959 income reported to the census was under three thousand dollars ($3,000).

(2) Twice the percentage of unemployment reported by the 1960 decennial census for the census tract or tracts in which reside the persons eligible for technical assistance under this division or in which a small business is located or will be established for such technical assistance.

28012. "Small business" means a business whose gross receipts from all sources in any year cannot reasonably be expected to exceed two hundred fifty thousand dollars ($250,000), or will not employ more than 15 persons, or both. "Small business" does not include any business whose prime function is the sale of alcoholic beverages.

28013. "Association" includes corporation.

CHAPTER 3. ADMINISTRATION

28020. The Superintendent of Banks shall administer the provisions of this division, and shall adopt any rules or regulations necessary to effectuate its administration.

CHAPTER 4. PILOT PROGRAM

28030. There is hereby established a pilot program whereby the Superintendent of Banks shall contract with qualified private nonprofit associations to provide technical assistance to eligible persons in order that such persons may establish and operate small businesses in low income areas of the state. The technical assistance may include, but not be limited to, the following:

(a) Aid in preparing loan applications and presentations.

(b) Consulting services relating to:

(1) Business organization.

(2) Business management.

(3) Accounting services.

(4) General entrepreneurial skills.

(c) Ongoing consulting services for not exceeding one year after the establishment of or reorganization of a small business. Such consulting services may be extended for one year if requested by the applicant.

(d) Referral services to provide a contract between the applicant and the banking and financial community and with existing public and private small business assistance programs.

28031. A private nonprofit association shall be eligible to contract under this division if the Superintendent of Banks finds that such association has a demonstrated competence to provide the kind of technical services required to be provided to eligible persons under this division.

28032. The Superintendent of Banks shall select two low income areas for purposes of this division, and shall notify the banking and financial industry and any interested nonprofit association of his selection. The Superintendent of Banks shall select not more than three eligible nonprofit associations to provide technical assistance under this division, and shall enter into contracts with each of them for this purpose. The Superintendent of Banks shall include provisions in each of such contracts to insure the security of any funds paid over to the nonprofit association pursuant to Section 28041. The Superintendent of Banks may include such other terms and conditions in such contracts as will effectuate the purposes

of this division. A nonprofit association which enters into such a contract shall comply with the provisions of this division in providing technical assistance to eligible persons, and shall cooperate with banks and other financial institutions for such purposes. It shall also cooperate with any federal or other public agency to effectuate such purposes.

28033. A person shall be eligible for assistance under this division if he owns a small business, or will establish one, in a low income area selected by the Superintendent of Banks.

28034. A person eligible for technical assistance may apply to a qualified nonprofit association selected by the Superintendent of Banks for technical assistance pursuant to this division.

28035. Technical assistance shall be granted to any eligible person in conjunction with a prospective loan to be secured by such person to finance the small business, or without a loan if the person is in need of technical assistance only. If the loan exceeds twenty-five thousand dollars ($25,000), technical assistance shall be granted only upon written approval of the Superintendent of Banks. Such approval may be granted after the nonprofit association to which the application was submitted makes a request to the Superintendent of Banks for such approval.

Without the written approval of the Superintendent of Banks, the total amount of technical assistance granted to an eligible person shall not exceed the greater of the following:

(a) One thousand dollars ($1,000).

(b) An amount equal to 15 percent of the prospective loan to be secured by the eligible person to finance the small business.

28036. Preference shall be given for technical assistance to eligible persons in the following order:

(a) Persons who own and operate small businesses in low income areas.

(b) Persons who have previous business experience of a kind necessary for the establishment and operation of the small business involved.

(c) Persons who have a history of skill needed in a particular small business.

28037. No technical assistance shall be granted to any eligible person unless he has the primary responsibility for the business he represents and he meets all of the following conditions:

(a) Submits with his application an employment plan for the small business involved which reflects increase of employment opportunities in the low income area in which the small business is to be operated.

(b) Agrees with the nonprofit association to give prime consideration to employing persons who are eligible for, or are recipients of public assistance.

(c) Agrees to grant disbursement control to the nonprofit association over any funds, including loans, secured to finance the small business. If a person breaches such agreement, the

nonprofit association may terminate technical services to such a person, in which event it shall notify the grantor or lender of such funds of its action.

CHAPTER 5. FINANCES

28041. Out of money appropriated for such purposes, the Superintendent of Banks shall allocate to each of the nonprofit associations selected by him pursuant to Section 28032, a lump sum, as determined by him, for payment for the total technical assistance to be provided eligible persons pursuant to contracts entered under Section 28032. Out of the money allocated to a nonprofit association, the superintendent from time to time may make payments to the nonprofit association pursuant to the terms of the contract.

CHAPTER 6. REPORTS

28051. The Superintendent of Banks shall submit a report to the Legislature on or before May 1, 1970, on the operation of the pilot program established pursuant to this division. Such report shall include, but is not limited to, the following information:

(a) History of all applicants for technical assistance.

(b) The dollar amounts of loans generated by such technical assistance, including the type of loans which were granted and the type which were not granted.

(c) The value of small businesses assisted, including:

(1) Number of new jobs created.

(2) Number of new employees and their characteristics.

(d) The tax revenue returned to the state by such new small businesses.

(e) The financial intermediaries involved in any loan service and their opinions as to the worth of such technical assistance.

SEC. 1.5. (a) If the Superintendent of Banks determines that the California Job Development Corporation Law Executive Board is able to undertake all duties, powers, and responsibilities vested in the Superintendent of Banks by Division 12 (commencing with Section 28000) of the Financial Code, he may with the approval of the California Job Development Corporation Law Executive Board transfer such duties, powers, and responsibilities to the board. Upon such transfer, the California Job Development Corporation Law Executive Board shall undertake all duties, powers, and responsibilities vested in the Superintendent of Banks by Division 12 (commencing with Section 28000) of the Financial Code. The Superintendent of Banks and the board shall make all arrangements necessary to assure the effectuation of such transfer in an orderly manner and with no disruption of functions. In the event of such a transfer, there shall be transferred to the board the unencumbered balances of money available to the

Superintendent of Banks for expenditure in exercising the powers, duties and responsibilities transferred to the board.

(b) This section shall become operative only if Assembly Bill No. 109 of the 1968 Regular Session is enacted, and in such case at the same time as Assembly Bill No. 109 becomes operative.

SEC. 2. Sections 1 and 1.5 of this act shall terminate on the 61st day after final adjournment of the 1970 Regular Session of the Legislature.

SEC. 3. There is hereby appropriated from the General Fund to the Superintendent of Banks the sum of one hundred fifty thousand dollars ($150,000) for administration of this act, and for allocation and payment pursuant to Section 28041 of the Financial Code.

CHAPTER 1373

An act to amend Sections 16603, 16620, 16621, and 16645.11 of, and to add Sections 16603.1, 16621.1, 16630.5, and 16645.11a to, and to add Article 7.5 (commencing with Section 19699.20) to Chapter 10 of Division 14 of, the Education Code, relating to children's centers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 16, 1968. Filed with Secretary of State August 16, 1968.]

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

SECTION 1. Section 16603 of the Education Code is amended to read:

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

(a) There is but one parent in the home and such parent supports and cares for the child, or the parent is physically or mentally unable either to support the family or care for the child, or there is but one parent in the home who requires education or training to qualify for entrance upon employment that will make the family economically self-sufficient.

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

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

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

(e) The services of the parent having care of the child are necessary as a qualified and acceptable teacher in a

public school or as a qualified and acceptable supervisor to serve in the supervision and instruction of children in a children's center or a supervisor of a children's center program, or as a qualified and acceptable aide in such program, as shall be evidenced by a statement from the employing authority of the public school to the governing body of the children's center.

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

(g) The services of the parent having care of the child are necessary as a worker in industry essential to the mobilization effort, as evidenced by a statement from the employer in such industry designated as essential to the mobilization effort by the Director of Employment.

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

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

(j) The parent or parents having care of the child are participating under a work incentive program established pursuant to Section 432 of the Social Security Act, as evidenced by a statement from the Secretary of Labor or his representative, or that one parent in a two-parent family is so participating and the other parent is either employed or mentally or physically incapacitated to the extent that he is unable to care for the child. A person continuously employed or engaged in on-the-job training for one year under a program described in Section 432(b)(1) of that act shall, for the purposes of this section, be deemed to be participating under a work incentive program during that year, unless federal law or regulations shall prescribe a different period.

SEC. 2. Section 16603.1 is added to the Education Code, to read:

16603.1. A person meeting a condition described in subdivision (a), (b), (c), or (j) of Section 16603 has priority over a person meeting a condition described in subdivisions (d) through (i), inclusive, of that section.

SEC. 3. Section 16620 of the Education Code is amended to read:

16620. In computing amounts under Section 16618, the Superintendent of Public Instruction shall not include:

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

(b) Hours of attendance of children of participants in a work incentive program described in subdivision (j) of Section 16603 for whom the Department of Education advanced or reimbursed the district for, all costs of children's center services; and funds received from the Department of Education for services to those children.

SEC. 4. Section 16621 of the Education Code is amended to read:

16621. The said governing board shall establish in the county treasury a fund to be known as the "children's center fund" into which shall be paid all funds received by the district for, or from the operation of, children's centers including, but not limited to, all funds derived under Sections 16634 and 16635. The costs incurred in the maintenance and operation of children's centers shall be paid from said fund, except that any contributions, other than those described in Section 16621.1, authorized or required to be paid by the district on account of services of employees of a children's center to a retirement system shall be paid from the general fund of the district or from funds of the district derived from a special tax levied pursuant to Section 14657 or 14758 of the Education Code or Section 20532 of the Government Code.

No other funds of a district derived from the receipts of district taxes, except a district tax levied under Sections 16633 and 16635, or derived from moneys apportioned to the district for the support of the schools thereof, except state moneys expressly appropriated from the General Fund for the support of children's centers, may be expended for, or in connection with, a children's center.

SEC. 5. Section 16621.1 is added to the Education Code, to read:

16621.1. Contributions authorized or required by law to be paid by the district to a retirement system on account of services of employees of a children's center rendered in connection with children's center services furnished to persons participating in a work incentive program pursuant to Section 432 of the Social Security Act, as described in subdivision (j) of Section 16603 shall be paid from the children's center fund.

SEC. 6. Section 16630.5 is added to the Education Code, to read:

16630.5. The Department of Education and the Department of Social Welfare may enter into a contract wherein the Department of Education agrees insofar as feasible to provide children's center services or development center services, or both, for persons who are participating in a work incentive program pursuant to Section 432 of the Social Security Act and wherein the Department of Social Welfare agrees to

pay to the Department of Education, or to reimburse it for, all costs, including administrative costs, and preoperational costs, of services to participants but such costs shall not exceed the amount paid by a parent paying full cost pursuant to Section 16620 and receiving the same service. The Department of Social Welfare may advance funds for this purpose. It is the intent of the Legislature that to the extent federal law permits, federal funds will be used by the Department of Social Welfare in making payments to the Department of Education, and to the extent federal money is so paid to the Department of Education, it shall expend such money, on a nonreimbursable basis, for providing additional children's center services or development center services, or both, for persons who are participating in a work incentive program.

The Department of Education, in performance of the agreement, if any, shall enter into contracts with school districts or county superintendents willing to furnish children's center services or development center services, or both, to persons certified by the Department of Social Welfare as participants in such a work incentive program wherein the school district or county superintendent of schools agrees to furnish such services in consideration of payment by the Department of Education of all costs thereof, including administrative costs. The Department of Education may advance funds for the purpose. School districts and county superintendents are authorized to enter into such contracts.

"Costs" includes, among other things, the cost to the school district and county superintendent of the employers' contributions to a retirement system incurred because of services to certified participants. "Costs" does not include any amounts received by the district or county superintendent from persons who pay for children's center services in accordance with the schedule established by the Superintendent of Public Instruction.

SEC. 7. Section 16645.11 of the Education Code is amended to read:

16645.11. The governing board shall establish in the county treasury a fund to be known as the "development center for handicapped minors fund" into which shall be paid all funds received by the district for, or from the operation of, development centers established under this article (commencing at Section 16645.1). The costs incurred in the maintenance and operation of development centers shall be paid from the fund, except that any contributions, other than those described in Section 16645.11a, authorized or required to be paid by the district on account of services of employees of a development center to a retirement system shall be paid from the general fund of the district or from funds of the district derived from a special tax levied pursuant to Section 14657 or 14758 of the Education Code or Section 20532 of the Government Code.

No other funds of a district derived from the receipts of district taxes, except a district tax levied under Section

16645.9, or derived from moneys apportioned to the district for the support of the schools thereof, except state moneys expressly appropriated from the General Fund for the support of development centers, may be expended for, or in connection with, a development center.

SEC. 8. Section 16645.11a is added to the Education Code, to read:

16645.11a. Contributions authorized or required by law to be paid by the district to a retirement system on account of services of employees of a development center rendered in connection with development center services furnished to persons participating in a work incentive program pursuant to Section 432 of the Social Security Act, as described in subdivision (j) of Section 16603, shall be paid from the development center fund.

SEC. 9. Article 7.5 (commencing with Section 19699.20) is added to Chapter 10 of Division 14 of the Education Code, to read:

Article 7.5. Children's Center Construction Law of 1968

19699.20. This article shall be known as the Children's Center Construction Law of 1968.

19699.21. The Legislature hereby declares that it is in the interest of the state and of the people thereof for the state to provide assistance to school districts and to county superintendents of schools for the construction of children's center facilities. Children's centers are of general concern and interest to all the people of the state, and the education and care of children of working parents are a joint obligation of both the state and local agencies operating children's centers.

In enacting this article, the Legislature considers that the greatest need is to provide children's center facilities for the education and care of children during the time the sole parent is at work making the family economically self-sufficient, or is in school or in training to gain economic self-responsibility. The Legislature recognizes the need to encourage the provision of additional children's center facilities to permit more families to become economically self-sufficient.

19699.22. The following terms, whether used or referred to in this article, have the following meanings, unless a different meaning clearly appears from the context:

(a) "Local agency" means a school district or a county superintendent of schools operating or authorized to operate a children's center pursuant to this chapter.

(b) "Board" means the State Allocation Board

(c) "Project" means the purposes for which a local agency has applied for assistance. A project may include the acquisition and improvement of sites, the planning and construction of permanent facilities, and the acquisition of equipment for children's centers.

19699.23. This article shall be administered by the State Allocation Board. The board shall adopt such rules and regulations as it deems necessary to carry out the purposes of this article. The rules and regulations of the board shall establish a system of priorities to determine the relative necessity to establish children's center facilities by a local agency, which shall contain, among other factors, the need for facilities evidenced by existing waiting lists for service, the availability to the local agency of adequate alternate facilities in the area to be served, and the extent of local participation in providing children's center facilities.

19699.24. No local agency shall receive an initial allocation from any appropriation made for the purposes of this article more than an amount to be known as the local agency entitlement. This amount shall be computed as follows:

(a) Determine the percentage that the amount apportioned to the local agency in the previous fiscal year for operation purposes pursuant to Section 16618 bears to the total amount allocated to all local agencies under the same section.

(b) Determine the percentage that the statewide modified assessed valuation per average daily attendance for the grade level involved in the previous fiscal year bears to the assessed valuation per unit of average daily attendance of the local agency. Local agencies other than school districts shall use a percentage of 1.00.

(c) Determine the local agency eligibility factor by multiplying the percentage derived in (a) by that derived in (b).

(d) Determine the local agency entitlement by multiplying the district eligibility factor derived in (c) by two million dollars ($2,000,000).

Amounts of the appropriation initially unallocated may be allocated subsequently without regard to the limitation of the local agency entitlement Amounts of local agency entitlement not applied for within 60 days of the notification of entitlement, and amounts approved pursuant to Section 19699.28 but not allocated pursuant to Section 19699.29, and not made available on an extended basis after six months from the date of the original approval, may also be allocated without regard to the limitation of local agency entitlement.

19699 25. Any local agency operating or authorized to operate a children's center may apply for assistance under this article to undertake one or more projects. Any local agency not operating a children's center in the 1967–68 fiscal year shall have its eligibility and other factors determined by a method similar to that in Section 19699.24. Reasonable estimates may be used.

19699.26. Applications for assistance under this article shall be made on forms prescribed and furnished by the board. Such applications shall include, but not be limited to, the following data and information:

(a) An outline and general description of the project to be undertaken;

(b) An estimate of the cost of the project to be undertaken and the anticipated source of funds to complete the project;

(c) The estimated number of children to be served by the project;

(d) The waiting list of the local agency for children's centers; and

(e) The amount expended by the local agency from local sources during the past five years for the provision of children's center facilities.

19699.27. Not more than 25 percent of any allocation made to a local agency for a project shall be used for the reconstruction or rehabilitation of existing children's center facilities. Not less than 75 percent of any allocation made to a local agency for a project shall be used for the acquisition and improvement of sites, the planning and construction of new permanent facilities, and the acquisition of equipment for new children's centers.

19699.28. The board shall notify a local agency when a preliminary approval of project has been given, and shall reserve from the appropriation made a sum in the amount of the approval given.

19699.29. Funds reserved for a project shall be allocated to the local agency upon certification of the board to the Controller when the board has determined both of the following:

(a) All required approvals of the projects have been granted; and

(b) The local agency has subsequent to the effective date of this section, committed the expenditures through the granting of a contract or the authorization of an agreement which requires the payment of funds.

19699.30. In administering this article, the board shall (a) prescribe and furnish application forms, (b) approve the application, (c) approve the acquisition of children's center sites included in any project, (d) approve plans and specifications for each project and (e) certify to the Controller the allocation of funds to which a local agency is eligible.

19699.31. The allocation of funds to the local agency pursuant to this article shall be conditioned upon the prior approval of the proposed facilities by the Department of Education.

19699.32. For each one dollar ($1) of money allocated to a local agency which is expended for a project, the local agency shall expend local funds for such project in an amount which bears the same percentage to said one dollar ($1) as the modified assessed valuation per unit of the average daily attendance of the local agency bears to the statewide modified assessed valuation per average daily attendance of all local agencies. Local agencies other than school districts shall use a percentage of 1.00.

SEC. 10. The sum of two million eight hundred thousand dollars ($2,800,000) is appropriated from the General Fund

in the State Treasury for children's centers purposes in accordance with the following schedule:

(a) One million dollars ($1,000,000) to the State Allocation Board for allocation to school districts or county superintendents of schools pursuant to the provisions of Article 7.5 (commencing with Section 19699.20) of Chapter 10 of Division 14 of the Education Code.

(b) One million eight hundred thousand dollars ($1,800,000) to the Department of Education in augmentation of Item 282 of the Budget Act of 1968. Of this amount the Department of Education is hereby authorized to apportion not to exceed two hundred thousand dollars ($200,000) to school districts or county superintendents of schools establishing new children's centers for the first year of operation only, upon the demonstrated need for supplemental support for preoperational costs, including, but not limited to, preoperational salaries, leasing or renovation of facilities, and purchase of supplies and equipment.

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:

School enrollments in many districts have increased drastically and many schools have been filled to capacity and have been compelled to use structures intended for children's centers to accommodate elementary students. The maintenance of children's centers meets a vital and continuing public need, and it is essential to provide additional facilities for that purpose at the earliest possible date.

SEC. 12. This act shall be known as the Dymally-Sieroty Children's Center Construction Law of 1968.

CHAPTER 1374

An act to add Sections 6007 and 6053 to, and to repeal Section 2964 of, the Business and Professions Code, to amend Sections 1370 and 4011.6 of, and to repeal Article 4 (commencing with Section 2960) of Chapter 7 of Title 1 of Part 3 of, the Penal Code, to amend Sections 4017, 4019, 4119, 4133, 5008, 5150, 5152, 5154, 5202, 5205, 5225, 5227, 5252 as added by Chapter 1667 of the Statutes of 1967, 5253 as added by Chapter 1667 of the Statutes of 1967, 5254, 5257, 5275 as added by Chapter 1667 of the Statutes of 1967, 5276, 5278, 5300 as added by Chapter 1667 of the Statutes of 1967, 5301 as added by Chapter 1667 of the Statutes of 1967, 5302, 5303, 5304, 5305, 5306, 5328, 5329, 5331, 5351, 5352, 5353, 5358, 5359, 5361, 5362, 5366, 5367, 5401, 5550, 5551.1, 5552, 5553, 5559, 5567, 5604, 5605, 5651, 5651.2, 5652, 5700, 5700.1, 5701, 5702, 5705, 5706, 5880, 6000, 6006, 6250, 6251, 6252, 6254, 6778, 6800, 7254, 7275, 7284, 7300, 7301, 7325, 7360,

and 14021 of, to amend and renumber Sections 5087, 5231, 5252 as amended by Chapter 825 of the Statutes of 1967, 5253 as contained in Section 8 of Chapter 90 of the Statutes of 1967, 5275 as amended by Chapter 620 of the Statutes of 1967, 5277 as contained in Section 11 of Chapter 90 of the Statutes of 1967, 5300 as amended by Chapter 621 of the Statutes of 1967, 5301 as amended by Chapter 622 of the Statutes of 1967, 5516, 5657 as amended by Chapter 830 of the Statutes of 1967, 5707 as added by Chapter 1620 of the Statutes of 1967, 6201, 6203, 6208, 6300 as amended by Chapter 1423 of the Statutes of 1967, 6500 as amended by Chapter 90 of the Statutes of 1967, 6503.6, 6651, 6652, 6726, 7011.5, 7304 as amended by Chapter 1620 of the Statutes of 1967, 7406, 9016, 9034.1 as added by Chapter 1565 of the Statutes of 1967, to add Sections 4012.5, 4025, 4108.1, 4134, 5110, 5155, Article 3.5 (commencing with Section 5260) to Chapter 2 of Part 1 of Division 5 of, 5307, 5358.5, 5658, 5659, and 7305 to, to repeal Sections 5201 as amended by Chapter 825 of the Statutes of 1967, 5230, 5550, 5551.1, 5552, 5553, 5559, 5567, 5651.1, 5658, 5678, 5880, 6050, 6324, 6407, 6700, 6702, 6705, 6717, 6718, 7001, 7003, 7008, 7100, 7200, 7204, 7276, 7277, 7302 as amended by Chapter 1620 of the Statutes of 1967, 7352, 7353, 7513, 7604, 7706, 8012, 9006, 9016, 9034.1 as added by Chapter 1565 of the Statutes of 1967, 9034.1 as added by Chapter 1619 of the Statutes of 1967, and 9037.1 of, and to amend the heading of Part 1 (commencing with Section 5000) of Division 5 of, the heading of Article 4 (commencing with Section 5275) of Chapter 2 of Part 1 of Division 5 of, and to add a heading to Article 5 (commencing with Section 6750) of Chapter 4 of Part 1 of Division 6 of, the Welfare and Institutions Code, and to amend Section 48 of Chapter 1667 of the Statutes of 1967, relating to mental health.

[Approved by Governor August 16, 1968. Filed with Secretary of State August 16, 1968.]

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

SECTION 1. Section 2964 of the Business and Professions Code is repealed.

SEC. 1.1. Section 6007 is added to the Business and Professions Code, to read:

6007. (a) When an active member requires involuntary treatment pursuant to the provisions of Article 6 (commencing with Section 5300) of Chapter 2 of Division 5 of, or Part 2 (commencing with Section 6250) of Division 6 of the Welfare and Institutions Code, or he has been determined insane and is confined for treatment pursuant to the provisions of the Penal Code, or on account of his mental condition a guardian or conservator, for his estate or person or both, has been appointed, the board of governors shall enroll the member as an inactive member.

The clerk of the appropriate court concerned in any such proceeding shall immediately transmit to the board a certified copy of any such determination, order, or adjudication for involuntary treatment or confinement or for the appointment of a guardian or conservator.

The clerk of the appropriate court concerned shall also transmit to the board a certified copy of any notice of certification for intensive treatment filed with the court pursuant to Article 4 (commencing with Section 5250) of Chapter 2 of Division 5 of the Welfare and Institutions Code.

The State Bar of California may procure a certified copy of any such determination, order, adjudication, appointment or notice when the clerk concerned has failed to transmit one or when the proceeding was had in a court other than a court of this state.

In the case of an enrollment pursuant to this subdivision (a) the board of governors shall terminate the enrollment when the member has had the fact of his restoration to capacity judicially determined or upon the member's unconditional release from the medical facility pursuant to Section 5276, 5304, or 5305 of the Welfare and Institutions Code; and on payment of all fees required.

(b) In cases not provided for in subdivision (a), the board of governors shall enroll a member of the State Bar as an inactive member if, after notice and opportunity to be heard before the board or a committee, the board finds that the member, because of mental infirmity or illness, or because of addiction to intoxicants or drugs, is unable or habitually fails to perform his duties or undertakings competently, and that he is unable to practice law without danger to the interests of his clients and the public. No proceeding pursuant to this subdivision shall be instituted unless the board or a committee finds, after preliminary investigation, that probable cause exists therefor.

In the case of an enrollment pursuant to this subdivision (b) the board of governors shall terminate the enrollment upon proof that the facts found as to the member's disability no longer exist; and, on payment of all fees required.

(c) The pendency or determination of a proceeding or investigation provided for by this section shall not abate or terminate a disciplinary investigation or proceeding except as required by the facts and law in a particular case.

(d) No membership fees shall accrue against the member during the period he is enrolled as an inactive member pursuant to this section.

SEC. 1.2. Section 6053 is added to the Business and Professions Code, to read:

6053. Whenever in an investigation or proceeding provided for or authorized by this chapter, the mental or physical condition of the member of the State Bar is a material issue, the board or the committee having jurisdiction may order the member to be examined by one or more physicians or psychia-

trists designated by it. The reports of such persons shall be made available to the member and the State Bar and may be received in evidence in such investigation or proceeding.

SEC. 2. Section 1370 of the Penal Code is amended to read:

1370. If the jury finds the defendant sane, the trial must proceed, or judgment be pronounced, as the case may be. If the jury finds the defendant insane, the trial or judgment must be suspended until he becomes sane, and the court must order that he be in the meantime committed by the sheriff to a state hospital for the care and treatment of the insane, and that upon his becoming sane he be redelivered to the sheriff. In event of dismissal of the criminal charges before the defendant becomes sane the person shall be subject to the applicable provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code).

SEC. 3. Article 4 (commencing with Section 2960) of Chapter 7 of Title 1 of Part 3 of the Penal Code is repealed.

SEC. 4. Section 4011.6 of the Penal Code is amended to read:

4011.6. In any case in which it appears to the person in charge of a county or city jail that a person in custody in such jail may be mentally disordered, he may cause such inmate to be examined by a physician and if it is the opinion of such physician that the person is mentally disordered, the person in charge of the jail may file with the superior court a petition pursuant to Article 2 (commencing with Section 5200) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code.

If the prisoner is remanded to a facility pursuant to Article 6 (commencing with Section 5300) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, the time passed therein shall count as part of the prisoner's sentence. When the prisoner is so remanded, the person in charge of the jail shall advise the superintendent of the hospital of the expiration date of the prisoner's sentence. If the prisoner is to be released from the facility before such expiration date, the professional person in charge shall notify the person in charge of the jail, who shall send for, take, and receive the prisoner back into the jail.

SEC. 5. Section 4012.5 is added to the Welfare and Institutions Code, to read:

4012.5. The Department of Mental Hygiene may obtain psychiatric, medical and other necessary aftercare services for judicially committed patients on leave of absence from state hospitals by contracting with any city, county, local health district, or other public officer or agency, or with any private person or agency to furnish such services to patients in or near the home community of the patient. Any city, county, local health district, or other public officer or agency authorized by law to provide mental health and aftercare services is authorized to enter such contracts.

SEC. 6. Section 4017 of the Welfare and Institutions Code is amended to read:

4017. The department shall have the authority to contract with the local mental health director appointed under Part 2 of Division 5 (commencing with Section 5600) of this code to provide services pursuant to that part.

SEC. 7. Section 4019 of the Welfare and Institutions Code is amended to read:

4019. The department shall keep in its office a record showing the following facts concerning each patient in custody in the several institutions:

(a) Name, residence, sex, age, place of birth, occupation, and civil condition.

(b) The date of commitment, and the respective names and residences of

(1) The person who made the petition for commitment,

(2) The persons who signed the medical certificate, and

(3) The judge who made the order of commitment.

(c) The name of the institution in which he is confined, the date of his admission thereto, and whether he was brought from his home or from another institution. If he was brought from another institution, the record shall show also the name of that institution, by whom he was brought therefrom and his condition.

(d) If discharged, the date of discharge, to whose care he was committed, and whether recovered, improved, unimproved, or not in need of commitment.

(e) If transferred, for what cause the transfer was made, and to what institution.

(f) If dead, the date and cause of death.

SEC. 8. Section 4025 is added to the Welfare and Institutions Code, to read:

4025. Charges made by the department for the care and treatment of each patient in a facility maintained by the department shall not exceed the actual cost thereof as determined by the director in accordance with standard accounting practices. The director is not prohibited from including the amount of expenditures for capital outlay or the interest thereon, or both, in his determination of actual cost.

As used in this section, the terms "care" and "care and treatment" include care, treatment, support, maintenance, and other services rendered by the department to a patient in the state hospital or other facility maintained by or under the jurisdiction of the department.

SEC. 9. Section 4108.1 is added to the Welfare and Institutions Code, to read:

4108.1 The Director of General Services, with the consent of the Department of Mental Hygiene, may grant to the County of Stanislaus a right-of-way for public road purposes over the easterly portion of the Modesto State Hospital lands for the northerly projection of Carpenter Road from the northerly line of Blue Gum Avenue to the northerly boundary of the

state hospital lands, upon such terms and conditions as the Director of General Services may deem to be for the best interests of the state.

SEC. 10. Section 4119 of the Welfare and Institutions Code is amended to read:

4119. The Department of Mental Hygiene shall investigate and examine all nonresident persons who are confined in, admitted, or committed to any state hospital and shall cause such persons, when found to be nonresidents as defined in this chapter, to be promptly and humanely returned under proper supervision to the states in which they have legal residence. The department may defer such action by reason of a patient's medical condition.

For the purpose of facilitating the prompt and humane return of such persons the Department of Mental Hygiene may enter into reciprocal agreements with the proper boards, commissions, or officers of other states or political subdivision thereof for the mutual exchange or return of such persons confined in, admitted, or committed to any state hospital in one state whose legal residence is in the other, and it may in such reciprocal agreements vary the period of residence as defined in this chapter to meet the requirements or laws of the other states.

The department may give written permission for the return of any resident of this state confined in a public institution in another state, corresponding to any state hospital for the mentally disordered or to any state home for the mentally retarded of this state. When a resident is returned to this state pursuant to this chapter, he may be admitted as a voluntary patient to any institution of the department as designated by the Director of Mental Hygiene. If he is mentally disordered and is a danger to himself or others or he is gravely disabled, he may be detained and given care and services in accordance with the provisions of Part 1 (commencing with Section 5000) of Division 5, or, if he is a person subject to judicial commitment, he may be committed in accordance with the law.

SEC. 11. Section 4133 of the Welfare and Institutions Code is amended to read:

4133. All day hospitals and rehabilitation centers maintained by the Department of Mental Hygiene shall be subject to the provisions of this code pertaining to the admission, transfer, and discharge of patients at the state hospitals, except that all admissions to such facilities shall be subject to the approval of the chief officer thereof. Charges for services rendered to patients at such facilities shall be determined pursuant to Section 4025. The liability for such charges shall be governed by the provisions of Article 4 (commencing at Section 7275) of Chapter 3 of Division 7 of this code, except at the hospitals for the mentally retarded such liability shall be governed by the provisions of Article 4 (commencing with Section 6715) of Chapter 3 of Part 2 of Division 6 of this

code and Chapter 4 (commencing with Section 7500) of Division 7 of this code.

SEC. 12. Section 4134 is added to the Welfare and Institutions Code, to read:

4134. The state mental hospitals under the jurisdiction of the Department of Mental Hygiene shall comply with the provisions contained in the California Food Sanitation Act, Article 1 (commencing with Section 28280) of Chapter 7 of Division 21 of the Health and Safety Code.

The state mental hospitals under the jurisdiction of the Department of Mental Hygiene shall also comply with the provisions contained in the California Restaurant Act, Chapter 11 (commencing with Section 28520) of Division 21 of the Health and Safety Code.

Sanitation, health and hygiene standards which have been adopted by a city, county, or city and county which are more strict than those of the California Restaurant Act or the California Food Sanitation Act shall not be applicable to state mental hospitals which are under the jurisdiction of the Department of Mental Hygiene

SEC. 13. The heading of Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code is amended to read:

PART 1. THE LANTERMAN-PETRIS-SHORT ACT

SEC. 14. Section 5008 of the Welfare and Institutions Code is amended to read:

5008 Unless the context otherwise requires, the following definitions shall govern the construction of this part:

(a) "Evaluation" consists of multidisciplinary professional analyses of a person's medical, psychological, social, financial and legal conditions as may appear to constitute a problem. Persons providing evaluation services shall be properly qualified professionals and may be full-time employees of an agency providing evaluation services or may be part-time employees or may be employed on a contractual basis.

(b) "Court-ordered evaluation" means an evaluation ordered by a superior court pursuant to Article 2 (commencing with Section 5200) or by a municipal court pursuant to Article 3 (commencing with Section 5225) of Chapter 3 of this part;

(c) "Intensive treatment" consists of such hospital and other services as may be indicated. Intensive treatment shall be provided by properly qualified professionals and carried out in facilities qualifying for reimbursement under the California medical assistance program set forth in Chapters 7 and 8 of Part 3 of Division 9 of this code, or under Title XVIII of the Federal Social Security Act and regulations thereunder. Nothing in this part shall be construed to prohibit an intensive treatment facility from also providing 72-hour treatment and evaluation;

(d) "Referral" is referral of persons by each agency or facility providing intensive treatment or evaluation services to other agencies or individuals. The purpose of referral shall be to provide for continuity of care, and may include, but need not be limited to, informing the person of available services, making appointments on the person's behalf, discussing the person's problem with the agency or individual to which the person has been referred, appraising the outcome of referrals, and arranging for personal escort and transportation when necessary. Referral shall be considered complete when the agency or individual to whom the person has been referred accepts responsibility for providing the necessary services. All persons shall be advised of available precare services which prevent initial recourse to hospital treatment or aftercare services which support adjustment to community living following hospital treatment. Such services may be provided through county welfare departments, State Department of Social Welfare, Department of Mental Hygiene, Short-Doyle programs or other local agencies.

Each agency or facility providing evaluation services shall maintain a current and comprehensive file of all community services, both public and private. Such files shall contain current agreements with agencies or individuals accepting referrals, as well as appraisals of the results of past referrals;

(e) "Crisis intervention" consists of an interview or series of interviews within a brief period of time, conducted by qualified professionals, and designed to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the person or the family. The interview or interviews may be conducted in the home of the person or family, or on an inpatient or outpatient basis with such therapy, or other services, as may be appropriate. Crisis intervention may, as appropriate, include suicide prevention, psychiatric, welfare, psychological, legal, or other social services;

(f) "Prepetition screening" is a screening of all petitions for court-ordered evaluation as provided in Article 2 (commencing with Section 5200) of Chapter 3, consisting of a professional review of all petitions; an interview with the petitioner and, whenever possible, the person alleged, as a result of mental disorder, to be a danger to others, or to himself, or to be gravely disabled, to assess the problem and explain the petition; when indicated, efforts to persuade the person to receive, on a voluntary basis, comprehensive evaluation, crisis intervention, referral, and other services specified in this part.

(g) "Conservatorship investigation" means investigation by an agency appointed or designated by the governing body of cases in which conservatorship is recommended pursuant to Chapter 4 (commencing with Section 5350) of this part;

(h) For purposes of Article 1 (commencing with Section 5150), Article 2 (commencing with Section 5200), and Article 4 (commencing with Section 5250), "gravely disabled" means a condition in which a person, as a result of a mental disorder,

is unable to provide for his basic personal needs for food, clothing, or shelter.

For purposes of Article 3 (commencing with Section 5225) and Article 4 (commencing with Section 5250), of Chapter 2 of this part, "gravely disabled" means a condition in which a person, as a result of impairment by chronic alcoholism, is unable to provide for his basic personal needs for food, clothing, or shelter.

A person of any age may be "gravely disabled" under this definition, but the term does not include mentally retarded persons;

(i) "Peace officer" means a general peace officer as described in the first paragraph of Section 817 of the Penal Code;

(j) "Postcertification treatment" means an additional period of treatment pursuant to Article 5 (commencing with Section 5300) of Chapter 3 of this part.

(k) "Judicial commitment" means a commitment made pursuant to Article 1 (commencing with Section 6300), Article 2 (commencing with Section 6350), Article 3 (commencing with Section 6400), Article 4 (commencing with Section 6450), Article 5 (commencing with Section 6500) or Article 6 (commencing with Section 6550) of Part 2 of Division 6.

(*l*) "Court," unless otherwise specified, means a court of record or a justice court.

SEC. 15. Section 5087 of the Welfare and Institutions Code is amended and renumbered to read:

8012. The public guardian upon the death of his ward or upon the death of his conservatee may pay in full or in part from any assets of such ward or conservatee which are under his control the unpaid expenses of his ward's or conservatee's burial and last illness. When it appears that the total market value of the estate of the decedent does not exceed one thousand dollars ($1,000), the public guardian may apply to a judge of the superior court for an order permitting him to sell any personal property belonging to the decedent, to withdraw any money of the decedent on deposit with any bank or other commercial savings institution, and to collect any debt or claim that may be owing to the decedent. If the order is granted, any person or institution shall be entitled to pay or deliver money or property to the public guardian. The money received from any such sale or collection shall be used to pay the burial expenses of the decedent and the expenses of his last illness. Application for such an order may be filed whether or not there is a will of the decedent in existence if the will does not appoint an executor or if the named executor refuses to act. No notice of the application need be given. After the payment of such expenses the public guardian may transfer any remaining assets in accordance with and subject to the provisions of Section 630 of the Probate Code. The value of the property for the purpose of ascertaining the right to transfer

under said section shall be determined after deduction of said expenses paid.

SEC. 15.5. Section 5110 is added to the Welfare and Institutions Code, to read:

5110. Whenever a proceeding is held in a superior court under Article 4 (commencing with Section 5275) or Article 6 (commencing with Section 5300) of this chapter involving a person who has been placed in a facility located outside the county in which the person was originally detained, the provisions of this section shall apply. The county clerk of the county in which the proceeding is held shall make out a statement of all of the costs incurred by the county for the investigation, preparation, and conduct of the proceedings, and the costs of appeal, if any. The statement shall be certified by a judge of the superior court of such county. The statement shall then be sent to the county in which the person was originally detained, which shall reimburse the county providing such services.

SEC. 16. Section 5150 of the Welfare and Institutions Code is amended to read:

5150. When any person is a danger to others, or to himself, or gravely disabled as a result of mental disorder, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, or other professional person designated by the county may, upon reasonable cause, take, or cause to be taken, the person into custody and place him in a facility designated by the county and approved by the State Department of Mental Hygiene as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, member of the attending staff, or professional person, and stating that the officer, member of the attending staff, or professional person believes as a result of his personal observations that the person is, as a result of mental disorder, a danger to others, or to himself, or gravely disabled.

SEC. 16.5. Section 5150 of the Welfare and Institutions Code is amended to read:

5150. When any person is, as a result of mental disorder or inebriation, a danger to others, or to himself, or gravely disabled as a result of mental disorder, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county or other professional person designated by the county may, upon reasonable cause, take, or cause to be taken, the person into custody and place him in a facility designated by the county and approved by the State Department of Mental Hygiene as a facility for treatment and evaluation. A person suffering from a mental disorder and who is a danger to others, or to himself, or is gravely disabled may be held in a facility for 72 hours for treatment and evaluation; a person suffering from inebriation and who is

a danger to others, or to himself, may be held in a facility for 24 hours for treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the officer's or professional person's attention, and stating that the officer or professional person believes as a result of his personal observations that the person is, as a result of mental disorder or inebriety, a danger to others, or to himself, or gravely disabled.

SEC. 18. Section 5152 of the Welfare and Institutions Code is amended to read:

5152. Each person admitted to a facility for 72-hour treatment and evaluation under the provisions of this article shall receive an evaluation as soon after he is admitted as possible and shall receive such treatment and care as his condition requires for the full period that he is held. Such person shall be released before 72 hours have elapsed if, in the opinion of the professional person in charge of the facility, or his designee, the person no longer requires evaluation or treatment.

Persons who have been detained for evaluation and treatment shall be released, referred for further care and treatment on a voluntary basis, certified for intensive treatment, or recommended for conservatorship pursuant to this part as required.

SEC. 18.5. Section 5152 of the Welfare and Institutions Code is amended to read:

5152. Each person admitted to a facility for 72-hour or 24-hour treatment and evaluation under the provisions of this article shall receive an evaluation as soon after he is admitted as possible and shall receive such treatment and care as his condition requires for the full period that he is held. Such person shall be released before 72 hours or 24 hours have elapsed if, in the opinion of the professional person in charge of the facility, or his designee, the person no longer requires evaluation or treatment.

Persons who have been detained for evaluation and treatment shall be released, referred for further care and treatment on a voluntary basis, certified for intensive treatment, or recommended for conservatorship pursuant to this part as required.

SEC. 19. Section 5154 of the Welfare and Institutions Code is amended to read:

5154. The professional person in charge of the facility providing 72-hour treatment and evaluation, his designee, and the peace officer responsible for the detainment of the person shall not be held civilly or criminally liable for any action by a person released at or before the end of 72 hours pursuant to this article.

SEC. 19.5. Section 5154 of the Welfare and Institutions Code is amended to read:

5154. The professional person in charge of the facility providing 72-hour or 24-hour treatment and evaluation, his

designee and the peace officer responsible for the detainment of the person, shall not be held civilly or criminally liable for any action by a person released at or before the end of 72 hours or 24 hours pursuant to this article.

Nothing in Section 5150, 5151, 5152, or 5154 shall be construed to prevent the physician in charge of any medical facility designated by the county, or his designee, from refusing to admit a person brought to such medical facility for inebriety if, in his professional judgment, such admission is not necessary.

SEC. 20. Section 5155 is added to the Welfare and Institutions Code, to read:

5155. Nothing in this part shall be construed as granting authority to local entities to issue licenses supplementary to existing state and local licensing laws.

SEC. 21. Section 5201 of the Welfare and Institutions Code as amended by Chapter 825 of the Statutes of 1967 is repealed.

SEC. 22. Section 5202 of the Welfare and Institutions Code is amended to read:

5202. The person or agency designated by the county shall prepare the petition and all other forms required in the proceeding, and shall be responsible for filing the petition. Before filing the petition, the person or agency designated by the county shall request the person or agency designated by the county and approved by the State Department of Mental Hygiene to provide prepetition screening to determine whether there is probable cause to believe the allegations. The screening shall also determine whether the person will agree voluntarily to receive crisis intervention services or an evaluation in his own home or in a facility designated by the county and approved by the State Department of Mental Hygiene. Following prepetition screening, the person or agency designated by the county shall file the petition if satisfied that there is probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself, or gravely disabled, and that the person will not voluntarily receive evaluation or crisis intervention.

If the petition is filed, it shall be accompanied by a report containing the findings of the person or agency designated by the county to provide prepetition screening. The prepetition screening report submitted to the superior court shall be confidential and shall be subject to the provisions of Section 5328.

SEC. 23. Section 5205 of the Welfare and Institutions Code is amended to read:

5205. The petition shall be in substantially the following form:

In the Superior Court of the State of California
for the County of _____

The People of the State of California Concerning _____and _____ Respondents	No._____ Petition for Evaluation

_____, residing at _____ (tel. _____), being duly sworn, alleges: That there is now in the county, in the City or Town of _____, a person named _ _____, who resides at _____, and who is, as a result of mental disorder:

(1) A danger to others.

(2) A danger to himself.

(3) Gravely disabled as defined in subdivision (h) of Section 5008 of the Welfare and Institutions Code (Strike out all inapplicable classifications).

That the person is _____ years of age; that __ he is _____ (sex); and that __ he is _____ (single, married, widowed, or divorced); and that _____ occupation is _____.

That the facts upon which the allegations of the petition are based are as follows: That __ he, at _____ in the county, on the _____ day of _____, 19__, _____

_____

_____

That petitioner's interest in the case is _____

_____

That the person responsible for the care, support, and maintenance of the person, and their relationship to the person are, so far as known to the petitioner, as follows: (Give names, addresses, and relationship of persons named as respondents)

Wherefore, petitioner prays that evaluation be made to determine the condition of _____, alleged, as a result of mental disorder, to be a danger to others, or to himself, or to be gravely disabled.

_____
Petitioner

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

_____, County Clerk
By_____Deputy

SEC 24. Section 5225 of the Welfare and Institutions Code is amended to read:

5225. Whenever a criminal defendant who appears, as a result of chronic alcoholism, to be a danger to others, to himself, or to be gravely disabled, is brought before any judge, the judge may order the defendant's evaluation under conditions set forth in this article if that county has provided facilities for the evaluation and treatment of persons impaired by chronic alcoholism.

SEC. 25. Section 5227 of the Welfare and Institutions Code is amended to read:

5227. The order for evaluation shall be in substantially the following form:

In the _____ Court of the State of California for the County of _____

The People of the State of California Concerning _____ and _____ Respondents	No. _____ Order for Evaluation

The People of the State of California to _____:

(Professional person in charge of the facility providing evaluation for persons impaired by chronic alcoholism)

_____ has appeared before me and appears to be, as a result of chronic alcoholism, a danger to himself, or others, or gravely disabled.

Now, therefore, you are directed to evaluate _____ at _____ on the _____ day of _____, 19__, at __ o'clock __m.

Witness my hand, this _____ day of _____, 19__.

_____

Judge of the _____ Court

Return of Order

I hereby certify that I received the above order for the evaluation of _____ and on the _____ day of _____, 19__, personally served a copy of the order and of the petition on the professional person in charge of the __ _____, a facility for treatment and evaluation, or his designee.

Dated: _____, 19___.

_____

Signature and title

SEC. 26. Section 5230 of the Welfare and Institutions Code is repealed.

SEC. 27. Section 5231 of the Welfare and Institutions Code is amended and renumbered to read:

5230. If, upon evaluation, the person is found to be in need of treatment because he is, as a result of impairment by chronic alcoholism, a danger to others, or to himself, or is gravely disabled, he may be detained for treatment in a facility for 72-hour treatment and evaluation. In no event shall he be detained longer than 72 hours from the time of evaluation or detention for evaluation, excluding Saturdays, Sundays and holidays if treatment services are not available on those days.

Persons who have been detained for evaluation and treatment shall be released to the custody of the court; referred for further care and treatment on a voluntary basis, subject to the disposition of the criminal action; certified for intensive treatment, or recommended for conservatorship pursuant to this part; as required.

SEC. 28. Section 5252 as added to the Welfare and Institutions Code by Chapter 1667 of the Statutes of 1967 is amended to read:

5252. A notice of certification is required for all involuntary 14-day intensive treatment, and shall be in substantially the following form:

To the Superior Court of the State of California
for the County of _____

The authorized agency providing evaluation services in the County of _____ has evaluated the condition of:

Name _____
Address _____
Age _____
Sex _____
Marital status _____
Religious affiliation _____

We the undersigned allege that the above-named person is, as a result of mental disorder or impairment by chronic alcoholism:

(1) A danger to others.

(2) A danger to himself.

(3) Gravely disabled as defined in subdivision (h) of Section 5008 of the Welfare and Institutions Code.

[Strike out all inapplicable classifications.]

The above-named person has been informed of this evaluation, and has been advised of, but has not been able or willing to accept referral to, the following services:

_____
_____
_____
_____
_____

We, therefore certify the above-named person to receive intensive treatment for no more than 14 days beginning this _____ day of _____, 19__, in the intensive treatment
(Month)
facility herein named _____.

We hereby state that a copy of this notice has been delivered this day to the above-named person and that he has

been informed of his legal right to a judicial review by habeas corpus, and this term has been explained to him.

_____
(Date)

Signed_____

Signed _____

Countersigned _____

Representing Intensive Treatment Facility

SEC. 29. Section 5252 of the Welfare and Institutions Code as amended by Chapter 825 of the Statutes of 1967 is amended and renumbered to read:

6717. The cost necessarily incurred in determining whether a person is a fit subject for admission to a home for the mentally retarded and securing his admission thereto, is a charge upon the county whence he is committed. Such costs include the fees of witnesses, medical examiners, psychiatrists and psychologists allowed by the judge ordering the examination. If the person sought to be committed is not an indigent person, the costs of the proceedings are the obligation of such person and shall be paid by him, or by the guardian of his estate as provided in Division IV of the Probate Code, or shall be paid by persons legally liable for his maintenance, unless otherwise ordered by the judge.

SEC 30. Section 5253 as added to the Welfare and Institutions Code by Chapter 1667 of the Statutes of 1967 is amended to read:

5253. Copies of the certification notice, as set forth in Section 5252, shall be filed with the court and personally delivered to the person certified A copy shall also be sent to the person's attorney, to the district attorney, to the public defender, if any, to the facility providing intensive treatment, and to the State Department of Mental Hygiene.

The person certified shall also be asked to designate any person whom he wishes informed regarding his certification. If he is incapable of making such a designation at the time of certification, he shall be asked to designate such person as soon as he is capable.

SEC. 31. Section 5253 of the Welfare and Institutions Code as contained in Section 8 of Chapter 90 of the Statutes of 1967 is amended and renumbered to read:

6718. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state by reason of commitments of the mentally retarded which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 32. Section 5254 of the Welfare and Institutions Code is amended to read:

5254. Certification shall be for no more than 14 days, and shall terminate as soon as, in the opinion of the professional person in charge of the facility providing intensive treatment

or his designee, the individual has improved sufficiently for him to leave, or is prepared to accept voluntary treatment on referral or to remain in the facility providing intensive treatment on a voluntary basis.

Except as otherwise indicated in the conservatorship provisions of Chapter 3 (commencing with Section 5350) of this part, or in the provisions of Article 6 (commencing with Section 5300) of this chapter, a facility providing intensive treatment must release all involuntary patients at the end of 14 days who do not agree to receive further treatment on a voluntary basis.

Persons who have been certified for 14 days of intensive treatment shall be released to the custody of the court; referred for further care and treatment on a voluntary basis, subject to the disposition of the criminal action; confined for postcertification treatment; or recommended for conservatorship pursuant to this part; as required.

SEC. 33. Section 5257 of the Welfare and Institutions Code is amended to read:

5257. The professional person in charge of the facility providing intensive treatment, his designee, and the peace officer responsible for the detainment of the person shall not be held civilly or criminally liable for any action by a person released at or before the end of 14 days pursuant to this article.

SEC. 33.5. Article 3.5 (commencing with Section 5260) is added to Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, to read:

Article 3.5. Additional Intensive Treatment of Suicidal Persons

5260. At the expiration of the 14-day period of intensive treatment any person who, as a result of mental disorder or impairment by chronic alcoholism, during the 14-day period or the 72-hour evaluation period, threatened or attempted to take his own life or who was detained for evaluation and treatment because he threatened or attempted to take his own life and who continues to present an imminent threat of taking his own life, may be confined for further intensive treatment pursuant to this article for an additional period not to exceed 14 days.

Such further intensive treatment may occur only under the following conditions:

(a) The professional staff of the agency or facility providing intensive treatment services has analyzed the person's condition and has found that the person presents an imminent threat of taking his own life.

(b) The person has been advised of, but has not accepted, voluntary treatment.

(c) The facility providing additional intensive treatment is equipped and staffed to provide treatment, is designated by the county to provide such intensive treatment, and agrees to admit the person.

(d) The person has, as a result of mental disorder or impairment by chronic alcoholism, threatened or attempted to take his own life during the 14-day period of intensive treatment or the 72-hour evaluation period or was detained for evaluation and treatment because he threatened or attempted to take his own life.

5261. For a person to be certified under this article, a second notice of certification must be signed by the professional person in charge of the agency or facility providing evaluation services and a physician, if possible a board-qualified psychiatrist, who participated in the evaluation.

If the professional person in charge is the physician who performed the medical evaluation, the second person to sign may be another physician unless one is not available, in which case, a psychologist, a social worker, or a registered nurse who participated in the evaluation shall sign the notice of certification.

5262. A second notice of certification for imminently suicidal persons is required for all involuntary 14-day intensive treatment, pursuant to this article, and shall be in substantially the following form:

To the Superior Court of the State of California
for the County of _____

The authorized agency providing 14-day intensive treatment, County of _____, has custody of: _____
Name _____
Address _____
Age _____
Sex _____
Marital status _____
Religious affiliation _____

The undersigned allege that the above-named person presents an imminent threat of taking his own life.

This allegation is based upon the following facts:

_____
_____
_____
_____

This allegation is supported by the accompanying affidavits signed by _____.

The above-named person has been informed of this allegation and has been advised of, but has not been able or willing to accept referral to, the following services:

_____
_____
_____
_____

We, therefore, certify the above-named person to receive additional intensive treatment for no more than 14 days beginning this __ day of _____ (Month), 19__, in the intensive treatment facility herein named _____.

We hereby state that a copy of this notice has been delivered this day to the above-named person and that he has been clearly advised of his continuing legal right to a judicial review by habeas corpus, and this term has been explained to him.

_____
(Date)

Signed _____

Countersigned _____
Representing intensive treatment facility

5263. Copies of the second notice of certification for imminently suicidal persons, as set forth in Section 5262, shall be filed with the court and personally delivered to the person certified. A copy shall also be sent to the person's attorney, to the district attorney, to the public defender, if any, to the facility providing intensive treatment, and to the State Department of Mental Hygiene.

The person certified shall also be asked to designate any person whom he wishes informed regarding his certification. If he is incapable of making such a designation at the time of certification, he shall be asked to designate such person as soon as he is capable.

5264. A second certification for imminently suicidal persons shall be for no more than 14 days of intensive treatment, and shall terminate as soon as, in the opinion of the professional person in charge of the facility providing intensive treatment or his designee, the individual has improved sufficiently for him to leave, or is prepared to accept voluntary treatment on referral or to remain in the facility providing intensive treatment on a voluntary basis.

Except as otherwise indicated in the conservatorship provisions of Chapter 4 (commencing with Section 5350) of this part, or in the provisions of Article 6 (commencing with Section 5300) of this chapter, a facility providing additional intensive treatment must release all involuntary patients at the end of the 14-day period who do not agree to receive further treatment on a voluntary basis.

5265. Any individual who is knowingly and willfully responsible for detaining a person for more than 14 days in violation of the provisions of Section 5264 is liable to that person in civil damages.

5266. Whenever a county designates two or more facilities to provide intensive treatment and the person to be treated, his family, conservator or guardian expresses a preference for one such facility, the professional person certifying the person to be treated shall attempt, if administratively possible, to comply with the preference.

5267. Neither the professional person in charge of the facility providing intensive treatment, nor his designee, shall be held civilly or criminally liable for any action by a person released at or before the end of 14 days pursuant to this article.

5268. Nothing in this article shall prohibit the professional person in charge of an intensive treatment facility, or his designee, from permitting a person certified for intensive treatment to leave the facility for short periods during the person's involuntary intensive treatment.

SEC. 34. The heading of Article 4 (commencing with Section 5275) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code is amended to read:

Article 5. Judicial Review

SEC. 35. Section 5275 as added to the Welfare and Institutions Code by Chapter 1667 of the Statutes of 1967 is amended to read:

5275. Every person detained by certification for intensive treatment shall have a right to a hearing by writ of habeas corpus for his release after he or his attorney has made a request to leave to any member of the treatment staff of a facility providing intensive treatment.

Any member of the treatment staff to whom a request for release is made shall promptly provide the person for his signature or mark a copy of the form set forth below. The member of the treatment staff shall fill in his own name and the date, and, if the person signs by mark, shall fill in the person's name, and shall then deliver the completed copy to the professional person in charge, or his designee, notifying him of the request. As soon as possible, the person notified shall inform the superior court for the county in which the facility is located of the request for release.

Any person who intentionally violates this section is guilty of a misdemeanor.

The form for a request for release shall be substantially as follows:

(Name of the facility) _____ day of _____, 19__

I, _____ (member of the staff), have today received a request for release from the undersigned patient.

_____
(Signature or mark of patient)

SEC. 36. Section 5275 of the Welfare and Institutions Code as amended by Chapter 620 of the Statutes of 1967 is amended and renumbered to read:

6700 At the hearing involving a person alleged to be a narcotic drug addict the court shall inquire into the financial condition of the person committed or, if the person is a minor, of the parent, guardian or other person charged with his support. If the court finds such person or persons able to do so in whole or in part, a further order shall be made requiring him or them to pay, to the extent the judge considers

just, the expenses of the proceedings in connection with his commitment, and to pay to the county of which he is a bona fide resident, such sums as the court deems proper, during such time as the person committed remains in the hospital or on parole to a licensed home for the care of such person. The court shall make a further order requiring such person or persons to pay to the Department of Mental Hygiene the expense of delivery of the patient to the state hospital for placement in which he was committed, which shall be paid to and collected by the department and credited to the appropriation for transportation of patients.

The court shall designate some county officer to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such persons to make such payments.

SEC. 37. Section 5276 of the Welfare and Institutions Code is amended to read:

5276 Judicial review shall be in the superior court for the county in which the facility providing intensive treatment is located. The person requesting to be released shall be informed of his right to counsel by the member of the treatment staff and by the court; and, if he so elects, the court shall immediately appoint the public defender or other attorney to assist him in preparation of a petition for the writ of habeas corpus and, if he so elects, to represent him in the proceedings. The person shall pay the costs of such legal service if he is able.

The court shall grant a writ of habeas corpus or order an evidentiary hearing within two judicial days after the petition is filed. If the court finds that the person requesting release is not, as a result of mental disorder or impairment by chronic alcoholism, a danger to others, or to himself, or gravely disabled, he shall be released immediately.

SEC. 38. Section 5277 of the Welfare and Institutions Code as contained in Section 11 of Chapter 90 of the Statutes of 1967 is amended and renumbered 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.

SEC. 39. Section 5278 of the Welfare and Institutions Code is amended to read:

5278. Individuals authorized under this part to detain a person for 72-hour treatment and evaluation pursuant to Article 1 (commencing with Section 5150) or Article 2 (commencing with Section 5200), to certify a person for intensive treatment pursuant to Article 4 (commencing with Section 5250), or to file a petition for postcertification treatment for

a person pursuant to Article 6 (commencing with Section 5300) shall not be held either criminally or civilly liable for exercising such authority in accordance with the law.

SEC. 40. Section 5300 of the Welfare and Institutions Code as amended by Chapter 621 of the Statutes of 1967 is amended and renumbered to read:

6705. The reasonable cost of maintenance of a person committed or confined under the provisions of Section 6406 to a branch of the county jail, in a sum to be fixed by the court at the time of the commitment or confinement, shall be a charge against the person committed or confined, or if such person be indigent against his relatives liable for his maintenance.

Prior to the making of the order of confinement provided for in Section 6406, the court shall inquire into the financial condition of the person confined and of the relatives liable for his maintenance. If the court finds such person or persons able to do so in whole or in part, a further order shall be made requiring him or them to pay to the county making the confinement to the extent the judge considers just, the expense of the proceedings in connection with his confinement, and to pay to the county maintaining the branch of the county jail, such sums as the court deems proper during such time as the person confined remains in said branch of the county jail.

The court shall designate some county officer to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such persons to make such payments.

SEC. 41. Section 5300 as added to the Welfare and Institutions Code by Chapter 1667 of the Statutes of 1967 is amended to read:

5300. At the expiration of the 14-day period of intensive treatment, a person may be confined for further treatment pursuant to the provisions of this article for an additional period, not to exceed 90 days if he:

(a) Has threatened, attempted, or inflicted physical harm upon the person of another after having been taken into custody for evaluation and treatment, and who, as a result of mental disorder, presents an imminent threat of substantial physical harm to others, or

(b) Had attempted or inflicted physical harm upon the person of another, that act having resulted in his being taken into custody and who presents, as a result of mental disorder, an imminent threat of substantial physical harm to others.

For purposes of this article "custody" shall be construed to mean involuntary detainment under the provisions of this part uninterrupted by any period of unconditioned release from a facility providing involuntary care and treatment.

SEC. 42. Section 5301 as added to the Welfare and Institutions Code by Chapter 1667 of the Statutes of 1967 is amended to read:

5301. At any time during the 14-day intensive treatment period the professional person in charge of the facility, or his designee, may petition the superior court in the county in which the facility providing treatment is located for an order requiring such person to undergo an additional period of treatment on the grounds set forth in Section 5300. Such petition shall summarize the facts which support the contention that the person falls within the standard set forth in Section 5300. The petition shall be supported by affidavits describing in detail the behavior which indicates that the person falls within the standard set forth in Section 5300.

Copies of the petition for postcertification treatment and the affidavits in support thereof shall be served upon the person named in the petition on the same day as they are filed with the clerk of the superior court.

The petition shall be in the following form:

Petition for Postcertification Treatment of Imminently Dangerous Person

I, _____, (the professional person in charge of the _____ intensive treatment facility) (the designee of _____ the professional person in charge of the _____, treatment facility) in which _____ has been under treatment pursuant to the certification by _____ and _____, hereby petition the court for an order requiring _____ to undergo an additional period of treatment, not to exceed 90 days, pursuant to the provisions of Article 6 (commencing with Section 5300) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code. Such petition is based upon my allegation that (a) _____ has threatened, attempted or actually inflicted physical harm upon the person of another after having been taken into custody for evaluation, and that, by reason of mental disorder, presents an imminent threat of substantial physical harm to others, or that (b) _____ had attempted or inflicted physical harm upon the person of another, that act having resulted in his being taken into custody, and that he presents, as a result of mental disorder, an imminent threat of substantial physical harm to others.

My allegation is based upon the following facts:

This allegation is supported by the accompanying affidavits signed by _____.

Signed_____

SEC. 43. Section 5301 of the Welfare and Institutions Code as amended by Chapter 622 of the Statutes of 1967 is amended and renumbered to read:

6705.5. At the hearing involving a person alleged to be addicted to the use of habit-forming drugs the court shall inquire into the financial condition of the person committed and of the relatives liable for his maintenance. If the court finds such person or persons able to do so in whole or in part, a further order shall be made requiring him or them to pay to the county making the commitment, to the extent the judge considers just, the expense of the proceedings in connection with his commitment, and to pay to the county maintaining the institution if the commitment be to an industrial farm or road camp or branch of the county jail, such sums as the court deems proper during such time as the person committed remains in the industrial farm or road camp or branch of the county jail.

The court shall designate some county officer to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such persons to make such payments.

Responsibility for cost of maintenance of persons confined in Department of Corrections regional jail camps shall be governed by the laws relating to such institutions and regulations of the Department of Corrections issued thereunder.

SEC. 43.5. Section 5302 of the Welfare and Institutions Code is amended to read:

5302. At the time of filing of a petition for postcertification treatment the court shall appoint the public defender or other attorney to represent the person named in the petition if the person is financially unable to provide his own attorney. The attorney shall advise the person of his rights in relation to the proceeding and shall represent him before the court.

SEC. 44. Section 5303 of the Welfare and Institutions Code is amended to read:

5303. The court shall conduct the proceedings on the petition for postcertification treatment within four judicial days of the filing of the petition and in accordance with constitutional guarantees of due process of law and the procedures required under Section 13 of Article 1 of the Constitution of the State of California.

If at the time of the hearing the person named in the petition requests a jury trial, such trial shall commence within 10 judicial days of the filing of the petition for postcertification treatment unless the person's attorney requests a continuance, which may be for a maximum of 10 additional judicial days. The decision of the jury must be unanimous in order to support the finding of facts required by Section 5304.

Until a final decision on the merits by the trial court the person named in the petition shall continue to be treated in the intensive treatment facility until released by order of the superior court having jurisdiction over the action, or unless the petition for postcertification treatment is withdrawn. If no decision has been made within 30 days after the filing of the petition, not including extensions of time requested by the person's attorney, the person shall be released.

SEC. 45. Section 5304 of the Welfare and Institutions Code is amended to read:

5304. If the court finds that the person named in the petition for postcertification treatment has (a) threatened, attempted, or actually inflicted physical harm upon the person of another after having been taken into custody for evaluation and treatment, and, as a result of mental disorder, presents an imminent threat of substantial physical harm to others, or (b) had attempted or inflicted physical harm upon the person of another, that act having resulted in his being taken into custody and who, as a result of mental disorder, presents an imminent threat of substantial physical harm to others, it shall remand him to the custody of the Department of Mental Hygiene or to a facility designated by the county of residence for a further period of intensive treatment not to exceed 90 days from the date of court judgment. Said person shall be released from involuntary treatment at the expiration of 90 days unless the superintendent or professional person in charge of the hospital in which he is confined files a new petition for postcertification treatment on the grounds that he has threatened, attempted, or actually inflicted physical harm to another during his period of postcertification treatment, and he is a person who, by reason of mental disorder, presents an imminent threat of substantial physical harm to others. Such new petition for postcertification treatment shall be filed in the superior court wherein the original petition for postcertification treatment was filed.

The county from which the person is remanded shall bear any transportation costs incurred pursuant to this section.

SEC. 45.5. Section 5305 of the Welfare and Institutions Code is amended to read:

5305. Nothing in this article shall prohibit the superintendent or professional person in charge of the hospital in which the person is being involuntarily treated from releasing him from treatment prior to the expiration of 90 days when, in the opinion of the superintendent or professional person in charge, the person being involuntarily treated no longer constitutes an imminent threat of substantial physical harm to others.

Whenever the superintendent or professional person in charge of a hospital providing postcertification treatment pursuant to this article releases a person prior to the expiration of 90 days, the superintendent or professional person in charge

shall notify the court which remanded the person for treatment.

SEC. 46. Section 5306 of the Welfare and Institutions Code is amended to read:

5306. Neither the superintendent nor the professional person in charge of the hospital providing 90-day involuntary treatment shall be held civilly or criminally liable for any action by a person released at or before the end of a 90-day period pursuant to this article.

SEC. 47. Section 5307 is added to the Welfare and Institutions Code, to read:

5307. Nothing in this article shall be construed to impose liability for the cost of care and treatment in a state hospital of a person remanded to a state hospital pursuant to this article on the county of residence of the person or the county in which the court remanding the person to the state hospital is situated.

SEC. 48. Section 5328 of the Welfare and Institutions Code is amended to read:

5328. All information and records obtained in the course of providing services under Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7000) to either voluntary or involuntary recipients of services shall be confidential. Information and records may be disclosed only:

(a) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings;

(b) When the physician in charge of the patient, with the approval of the patient, designates persons to whom information or records may be released, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family. No record may be released under this subdivision after six months have elapsed since the record was made;

(c) To the extent necessary to make claims on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(d) If the recipient of services is a ward or conservatee, and his guardian or conservator designates, in writing, persons to whom records or information may be disclosed, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(e) For research, provided that the Director of Mental Hygiene designates by regulation, rules for the conduct of research. Such rules shall include, but need not be limited to, the

requirement that all researchers must sign an oath of confidentiality as follows:

_____
Date

As a condition of doing research concerning persons who have received services from _____ (fill in the facility, agency or person), I, _____, agree not to divulge any information obtained in the course of such research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

_____
Signed

(f) To the courts, as necessary to the administration of justice.

SEC. 49. Section 5329 of the Welfare and Institutions Code is amended to read:

5329. Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards set by the Director of Mental Hygiene.

SEC. 50. Section 5331 of the Welfare and Institutions Code is amended to read:

5331. No person may be presumed to be incompetent because he or she has been evaluated or treated for mental disorder or chronic alcoholism, regardless of whether such evaluation or treatment was voluntarily or involuntarily received. Any person who leaves a public or private mental health facility following evaluation or treatment for mental disorder or chronic alcoholism, regardless of whether that evaluation or treatment was voluntarily or involuntarily received, shall be given a statement of California law as stated in this paragraph.

Any person who has been, or is, discharged from a state hospital and received voluntary or involuntary treatment under former provisions of this code relating to inebriates or the mentally ill shall, upon request to the state hospital superintendent or the Department of Mental Hygiene, be given a statement of California law as stated in this section unless the person is found to be incompetent under proceedings for conservatorship or guardianship.

SEC. 51.5. Section 5351 of the Welfare and Institutions Code is amended to read:

5351. In each county or counties acting jointly under the provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the governing board shall designate the agency or agencies to provide conservatorship investigation as set forth in this chapter.

SEC. 52. Section 5352 of the Welfare and Institutions Code is amended to read:

5352. When the professional person in charge of an agency providing comprehensive evaluation or a facility providing intensive treatment determines that a person in his care is gravely disabled as a result of mental disorder or impairment by chronic alcoholism and is unwilling to accept, or incapable of accepting, treatment voluntarily, he may recommend conservatorship to the officer providing conservatorship investigation.

If the officer providing conservatorship investigation concurs with the recommendation, he shall petition the superior court, pursuant to Probate Code Section 1754, to establish conservatorship.

Where temporary conservatorship is indicated, the fact shall be alternatively pleaded in the petition and filed under Probate Code Section 1754. The officer providing conservatorship investigation shall act as the temporary conservator.

The procedure for the establishment of conservatorship shall be pursuant to Probate Code Section 1751.

SEC. 53. Section 5353 of the Welfare and Institutions Code is amended to read:

5353. A temporary conservator under this chapter shall determine what arrangements are necessary to provide the person with food, shelter, and care pending the determination of conservatorship. He shall give preference to arrangements which allow the person to return to his home, family or friends. If necessary, the temporary conservator may require the person to be detained in a facility providing intensive treatment pending the determination of conservatorship. Any person so detained shall have the same right to judicial review set forth in Article 5 (commencing with Section 5275) of Chapter 2 of this part

Temporary conservatorship shall continue pending a hearing to consider the appointment of a conservator, the trial and any appeals, but in no event longer than a year. The powers of the temporary conservator shall be those granted in the decree, but in no event may they be broader than the powers which may be granted a conservator.

SEC. 54. Section 5358 of the Welfare and Institutions Code is amended to read:

5358. A conservator appointed pursuant to this chapter shall have the right, if specified in the court order, to place his conservatee in a medical, psychiatric, nursing, or other state-licensed facility, or a state hospital, county hospital, hospital operated by the Regents of the University of California, a United States government hospital, or other nonmedical facility approved by the State Department of Social Welfare or an agency accredited by the State Department of Social Welfare; or in addition to any of the foregoing, in cases of chronic alcoholism, to a county alcoholic treatment center. If the conservatee is not to be placed in his own home or the

home of a relative, first priority shall be to placement in a suitable facility as close as possible to his home or the home of a relative. Before doing so, the conservator shall inform the officer providing conservatorship investigation and shall, if requested by the officer, submit his conservatee to an evaluation pursuant to this part to determine whether such action is necessary.

SEC. 54.5. Section 5358.5 is added to the Welfare and Institutions Code, to read:

5358.5. Nothing in this chapter shall be construed to impose liability for the cost of care and treatment in a state hospital of a conservatee placed in a state hospital pursuant to this chapter on the county of residence of the conservatee or the county in which the court placing the conservatee is situated.

SEC. 55. Section 5359 of the Welfare and Institutions Code is amended to read:

5359 A conservator appointed under this chapter shall find alternative placement for his conservator within seven days after he is notified by the person in charge of the facility serving the conservatee that the conservatee no longer needs the care or treatment offered by that facility.

If unusual conditions or circumstances preclude alternative placement of the conservatee within seven days, the conservator shall find such placement within 30 days.

If alternative placement cannot be found at the end of the 30-day period the conservator shall confer with the professional person in charge of the facility and they shall then determine the earliest practicable date when such alternative placement may be obtained.

SEC 56. Section 5361 of the Welfare and Institutions Code is amended to read:

5361. Conservatorship initiated pursuant to this chapter shall automatically terminate one year after the appointment of the conservator by the superior court The period of service of a temporary conservator shall not be included in the one-year period. If upon the termination of an initial or a succeeding period of conservatorship the conservator determines that conservatorship is still required, he may petition the superior court for his reappointment as conservator for a succeeding one-year period. The petition must include the opinion of two physicians that the conservatee is still gravely disabled as a result of mental disorder or impairment by chronic alcoholism. In the event that the conservator is unable to obtain the opinion of two physicians, he shall request that the court appoint them.

SEC 56.5. Section 5362 of the Welfare and Institutions Code is amended to read:

5362. The clerk of the superior court shall notify each conservator, his conservatee and the person in charge of the facility in which the person resides, and the conservatee's at-

torney, one month before the termination of the one-year period. Notification shall be by certified mail. The notification shall be in substantially the following form:

In the Superior Court of the State of California
for the County of _____

The People of the State of California No. _____
Concerning Notice of Termination
_____ of Conservatorship
The People of the State of California to_____
_____:
(conservatee, conservatee's attorney, conservator, and professional person in charge of the facility in which the conservatee resides.)

The one-year conservatorship established for ____ pursuant to Welfare and Institutions Code Section _____ on _____ will terminate on _____. If the conservator, _____, wishes to reestablish conservatorship for another year he must petition the court by _____. Subject to a request for a court hearing or jury trial the judge may, on his own motion, accept or reject the conservator's petition.

If the conservator petitions to reestablish conservatorship the conservatee, the professional person in charge of the facility in which he resides, and the conservatee's attorney shall be notified. If any of them request it, there shall be a court hearing or a jury trial, whichever it requests, on the issue of whether the conservatee is still gravely disabled and in need of conservatorship.

_____
(Signed, Judge of the Superior Court)

If the conservator does not petition to reestablish conservatorship at or before the termination of the one-year period, the court shall issue a decree terminating conservatorship. The decree shall be sent to the conservator and his conservatee by certified mail and shall be accompanied by a statement of California law as set forth in Section 5368.

SEC. 57. Section 5366 of the Welfare and Institutions Code is amended to read:

5366. It shall be the responsibility of the superintendent of each state hospital for the mentally disordered to compile a roster no later than June 30, 1970, of those mentally disordered or chronic alcoholic patients within the institution who are gravely disabled. The roster shall indicate the county of origin of each patient. The officer providing conservatorship investigation in that county shall be given a copy of the names and pertinent records of the patients from that county and shall investigate the need for conservatorship for such patients as provided in this chapter.

Each state hospital and the Department of Mental Hygiene shall make their records concerning such patients available to the officer providing conservatorship investigation.

SEC. 58. Section 5367 of the Welfare and Institutions Code is amended to read:

5367. Conservatorship established under this chapter shall supersede any commitment under former provisions of this code relating to inebriates or the mentally ill

SEC. 59. Section 5401 of the Welfare and Institutions Code is amended to read:

5401. The Department of Mental Hygiene may contract with a county or combination of counties acting jointly, to provide the evaluation, referral, intensive treatment, prepetition screening, professional counseling, and other services described in this part.

No person shall receive treatment in a state hospital pursuant to a contract executed under this section unless the county, or combination of counties has utilized, insofar as practicable, the existing facilities in the county which are subject to reimbursement under the Short-Doyle Act.

Contracts between the Department of Mental Hygiene and counties shall provide that the amount paid for services by counties shall not exceed the actual cost of services. Funds received by the Department of Mental Hygiene under such contract shall constitute a reimbursement to the appropriation from which such cost is expendable and may be used for the purposes of the appropriation.

SEC. 60. Section 5516 of the Welfare and Institutions Code is amended and renumbered to read:

6324. The provisions of Section 4025 and of Article 4 (commencing with Section 7275) of Chapter 3 of Division 7 relative to the property and care and support of persons in state hospitals, the liability for such care and support, and the powers and duties of the Department of Mental Hygiene and all officers and employees thereof in connection therewith shall apply to persons committed to state hospitals pursuant to this article the same as if such persons were expressly referred to in said Section 4025 and said Article 4 (commencing with Section 7275) of Chapter 3 of Division 7.

SEC. 61. Section 5550 of the Welfare and Institutions Code is repealed.

SEC. 61.5 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. 62. Section 5551.1 of the Welfare and Institutions Code is repealed.

SEC. 62.5. 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. 63. Section 5552 of the Welfare and Institutions Code is repealed.

SEC. 63.5. 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. 64. Section 5553 of the Welfare and Institutions Code is repealed.

SEC. 64.5. 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. 65. Section 5559 of the Welfare and Institutions Code is repealed.

SEC. 65.5. 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 66. Section 5567 of the Welfare and Institutions Code is repealed.

SEC. 66.5. Section 5567 of the Welfare and Institutions Code is amended to read:

5567. If, after examination and certificate have been made, the judge believes that the person is of such mental condition that he is dangerous to himself or to the person or property of others, 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. 67. Section 5604 of the Welfare and Institutions Code is amended to read:

5604. The governing body of any county or city may by agreement with the governing bodies of any other city or county or cities or counties establish a joint mental health service. Two or more cities which desire to establish a joint mental health service pursuant to this part may do so only if the aggregate population of such cities exceeds 50,000.

SEC. 68. Section 5605 of the Welfare and Institutions Code is amended to read:

5605. Each community mental health service shall have an advisory board of seven members appointed by the governing body. Three members of the advisory board, shall be physicians engaged in private practice of medicine, and one-third of the physician members, when available, shall be specialists in psychiatry. One member shall be the chairman of the local governing body, one member shall be a superior court judge or an attorney selected by the superior court judges of the county, and two members shall be persons representative of the public interest in mental health and mental retardation services The term of each member of the board shall be for three years; provided, however, that of the members first appointed, approximately one-third shall be appointed for one year, one-third for a term of two years, and one-third for a term of three years.

The chairman of a governing body may designate a member of that body to serve in his stead as a member of the advisory board.

SEC. 69. Section 5651 of the Welfare and Institutions Code is amended to read:

5651. The community mental health services provided herein shall consist of:

(a) Inpatient services;

(b) Outpatient services;

(c) Partial hospitalization services, such as day care, night care, weekend care;

(d) Emergency services 24 hours per day available within one of the first three services listed above;

(e) Consultation and education services available to community agencies and professional personnel and information services to the general public;

(f) Diagnostic services;

(g) Rehabilitative services; including vocational and educational programs;

(h) Precare and aftercare services in the community, including foster home placement, home visiting and halfway houses;

(i) Training;

(j) Research and evaluation.

To be eligible for reimbursement, a city, county, local health district, or in the case of a joint community mental health service two or more counties shall first have established two or more of the facilities or services provided for herein, one of which shall be the services specified in subdivision (a), (b), (c), or (f), in compliance with rules and regulations adopted by the State Department of Mental Hygiene under Section 5702.

SEC. 70. Section 5651.1 of the Welfare and Institutions Code is repealed.

SEC. 71. Section 5651.2 of the Welfare and Institutions Code is amended to read:

5651.2. To continue county expenditures for legal proceedings involving mentally disordered people and chronic alcoholics, the following costs incurred in carrying out this division shall be non-state-reimbursable charges against the county in which the person receives services:

(a) The costs involved in apprehending and bringing a person into custody for 72-hour treatment and evaluation;

(b) The costs of court proceedings for court-ordered evaluation, including the service of the court order and the apprehension of the person ordered to evaluation when necessary;

(c) The costs of court proceedings in cases of appeal from 14-day intensive treatment under this division;

(d) The cost of conservatorship investigation and legal proceedings in conservatorship under this division;

(e) The court costs in postcertification proceedings.

(f) The cost of providing a public defender or other court appointed attorneys in proceedings under this division.

SEC. 72. Section 5652 of the Welfare and Institutions Code is amended to read:

5652. To be eligible for reimbursement, a county, a city, or local health district, or, in the case of a joint community mental health service two or more such entities, shall first submit to the Director of Mental Hygiene annually a plan for proposed expenditures. The director shall review such plan to determine compliance with the standards established in this division and pursuant to Section 5702 and fix the amount subject to state reimbursement. Existing services may qualify, pursuant to the provisions of this chapter, for reimbursement upon determination by the local governing body that such services shall be subject to and administered under the provisions of this division.

SEC. 73. Section 5657 of the Welfare and Institutions Code as amended by Chapter 830 of the Statutes of 1967 is amended and renumbered to read:

6407. If the court orders that the person be confined in a state hospital, the court shall commit the person to the Department of Mental Hygiene for placement in a designated hospital for a definite period not to exceed two years, but he may be placed on leave of absence by the medical superintendent under the same rules and conditions under which other judicially committed persons are placed on leave of absence, and the superintendent, on filing his written certificate with the Director of Mental Hygiene, may discharge any person committed under this article when he is satisfied that the person will not receive substantial benefit from further hospital treatment, with the same power as contained in Article 7 (commencing with Section 7350), Chapter 3, Division 7 of this code. In the event that the person shall have been committed to an industrial farm or industrial road camp or branch of the county jail, as provided in Section 6404 or 6405 of this code, he may, after recommendation by the medical director of the county:

(1) Be paroled by the county board of parole commissioners in the same manner as prisoners in county jails are paroled; or

(2) By order of the court, be released from confinement subject to the supervision of the director of the industrial farm or road camp for a period not to exceed the balance of the commitment.

Any person released from confinement in accordance with subdivision (2) may, upon recommendation by the medical director of the county and review of the recommendation by the court, be ordered by the court to be returned to confinement for the balance of his commitment. Any person so returned to confinement may, upon written demand filed with the clerk at any time during the period of confinement, request a hearing and examination as provided in Chapter 1 (commencing with Section 6250) of Part 2 of Division 6. Upon the filing of such

a request, the judge shall, by order, fix a time and place for hearing and examination, and proceed as in cases where no order of commitment has been made pursuant to the consent of a medical examiner and the person charged to determine if such person shall be retained in custody for the balance of his original commitment.

SEC. 74. Section 5658 of the Welfare and Institutions Code is repealed.

SEC. 75. Section 5658 is added to the Welfare and Institutions Code, to read:

5658. Claims for state reimbursement shall be made in such form, in such manner, at such times, and for such periods as the Director of Mental Hygiene shall determine.

SEC. 76. Section 5659 is added to the Welfare and Institutions Code, to read:

5659. When certified by the Director of Mental Hygiene, claims for state reimbursement shall be presented 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 such reimbursement is for expenditures made for the purposes and under the conditions authorized under this division. All claims shall be payable from appropriations made for the fiscal year in which the claims are filed, regardless of the time at which the expenses upon which the claims are based are incurred.

SEC. 77. Section 5678 of the Welfare and Institutions Code is repealed.

SEC. 78. Section 5700 of the Welfare and Institutions Code is amended to read:

5700. Fees shall be charged in accordance with the ability to pay for mental health services rendered pursuant to an approved local plan, but not in excess of actual cost Beginning on the operative date of Sections 1 to 42, inclusive, of Chapter 1667 of the Statutes of 1967 fees shall be charged in accordance with uniform patient fee plan to be adopted by the Director of Mental Hygiene pursuant to Section 5700.1.

SEC. 79. Section 5700.1 of the Welfare and Institutions Code is amended to read:

5700.1. To provide a statewide standard for determining the fees any person may be charged for community mental health services under this part and under the Short-Doyle Act, the Director of Mental Hygiene shall adopt a uniform patient fee plan The uniform patient fee plan shall be used in all Short-Doyle agencies beginning on the operative date of Sections 1 to 42, inclusive, of Chapter 1667 of the Statutes of 1967 and in all other community mental health agencies, except state agencies, providing the services required under this division. The difference between the cost of services and any fee paid by the patient or on his behalf under the uniform patient fee plan shall be reimbursed under this chapter.

In developing the uniform patient fee plan the Director of Mental Hygiene shall be guided by the various Short-Doyle

approved local patient fee plans used prior to the operative date of Sections 1 to 42, inclusive, of Chapter 1667 of the Statutes of 1967, and shall attempt not to impose more severe financial liabilities than were imposed under the Short-Doyle approved local patient fee plans. The liability of patients' relatives under the uniform patient fee plan shall be identical to the liability of relatives under the California medical assistance program established pursuant to Chapters 7 and 8 of Part 3 of Division 9 of this code.

SEC. 80. Section 5701 of the Welfare and Institutions Code is amended to read:

5701. There is hereby established the California Conference of Local Mental Health Directors, with which the Director of Mental Hygiene shall consult in establishing standards, rules, and regulations pursuant to this part.

The California Conference of Local Mental Health Directors shall consist of all regularly appointed directors of community mental health services and program chiefs as defined by regulation. Such program chiefs shall not be entitled to hold office or vote. It shall organize and shall annually elect a president, a vice president, and a secretary, who shall serve as the executive committee of the conference. The president of the conference, after consultation with the Director of Mental Hygiene, may appoint, for the purpose of advising the director, such other committees of the conference as may from time to time be necessary.

Meetings of the conference for the purposes of this part shall be called by the Director of Mental Hygiene, who shall give the members at least 10 days' notice of such meetings. At official sessions of meetings of the conference the Director of Mental Hygiene shall preside; provided, however, that the conference may hold additional sessions as may be determined upon by the executive committee of the conference at which the president or other members of the conference shall preside. Those members present at official sessions shall be considered as making up a quorum. Each community mental health service shall have one vote.

Actual and necessary expenses incurred by a member as incident to his attendance at not more than three meetings per year of the conference shall be a legal charge against the local government unit which he represents. Actual and necessary expenses incurred by members of the conference incident to attendance at special meetings of the committees of the conference called by the Director of Mental Hygiene shall be a legal charge against any funds available for administration of this part.

SEC. 81. Section 5702 of the Welfare and Institutions Code is amended to read:

5702. The State Department of Mental Hygiene shall administer this part and shall adopt standards for approval of local mental health services, rules and regulations necessary thereto; provided, however, that such standards, rules

and regulations shall be adopted only after consultation with and approval by the California Conference of Local Mental Health Directors. Approval of such standards, rules and regulations shall be by majority vote of those present at an official session.

If the conference refuses or fails to approve standards, rules, or regulations submitted to it by the department for its approval, the department may submit such standards, rules, or regulations to the conference at its next semiannual meeting, and if the conference again refuses to approve them, the matter shall be referred for decision to a committee composed of the Administrator of the Health and Welfare Agency, the Director of Mental Hygiene, and the president of the California Conference of Local Mental Health Directors.

SEC. 82. Section 5705 of the Welfare and Institutions Code is amended to read:

5705. The president of the California Conference of Local Mental Health Directors, for the purposes of this part, may, after consultation with the Director of Mental Hygiene, appoint such psychiatric and such other consultants as may be deemed necessary who shall serve without pay but who shall receive actual and necessary travel and other expenses incurred.

SEC. 83. Section 5706 of the Welfare and Institutions Code is amended to read:

5706. The Director of Mental Hygiene may withhold state reimbursement after consultation with the California Conference of Local Mental Health Directors, in whole or in part, from any city or county in the event of the failure of such city or county to comply with the provisions of this part or regulations made pursuant thereto relating to community mental health services or the administration thereof.

SEC. 84. Section 5707 as added to the Welfare and Institutions Code by Chapter 1620 of the Statutes of 1967 is amended and renumbered to read:

6467. The charges for the care and treatment rendered to persons committed as mentally abnormal sex offenders shall be in accordance with the provisions of Article 4 (commencing with Section 7275) of Chapter 3 of Division 7.

SEC. 85. Section 5880 of the Welfare and Institutions Code is repealed.

SEC. 85 5. Section 5880 of the Welfare and Institutions Code is amended to read:

5880. When any person becomes so mentally ill or inebriated as to be likely to cause injury to himself or others and to require immediate care, treatment, or restraint, a peace officer, health officer or assistant health officer, mental health director or assistant mental health director, county physician or assistant county physician, who has reasonable cause to believe that such is the case, may take the person into custody for his best interest and protection and place him as provided in this section. The person believed to be mentally ill or inebriated

may be admitted and detained in a medical facility designated by the county upon application of the peace officer, health officer or assistant health officer, mental health director or assistant mental health director, county physician, or assistant county physician. The application shall be in writing and shall state the circumstances under which the person's condition was called to the officer's or physician's attention and shall also state that the officer or physician believes, as a result of his personal observation, that the person is mentally ill or inebriated and because of his illness or inebriation is likely to injure himself or others if not immediately hospitalized.

The physician in charge of any medical facility designated by the county may care for and treat any such person who is mentally ill for a period not to exceed seventy-two (72) hours, excluding Saturdays, Sundays, and holidays. Within said seventy-two (72) hours any such person who is mentally ill shall be discharged from the institution unless a petition of mental illness is presented to a judge of the superior court and the court issues an order for detention of such person, or unless the person is admitted as a patient under any other provision of law. Such a person who is not mentally ill but who is inebriated shall be subject to the detention described in this paragraph for a period not to exceed 24 hours, excluding Saturdays, Sundays, and holidays.

Nothing in Section 5880 shall be construed to prevent the physician in charge of any medical facility designated by the county, or his designee, from refusing to admit a person brought to such medical facility for inebriety.

In no event shall any person apprehended under this section be detained in a jail or other correctional facility.

SEC. 86. Section 6000 of the Welfare and Institutions Code is amended to read:

6000. Pursuant to rules and regulations established by the State Department of Mental Hygiene, the superintendent of a state hospital for the mentally disordered or mentally retarded may receive in such hospital, as a boarder and patient, any person who is a suitable person for care and treatment in such hospital, upon receipt of a written application for the admission of the person into the hospital for care and treatment made in accordance with the following requirements:

(a) In the case of an adult person, the application shall be made voluntarily by the person, at a time when he is in such condition of mind as to render him competent to make it or, if he is a conservatee, by his conservator.

(b) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody to any of such mental hospitals as may be designated by the Director of Mental Hygiene to admit minors on voluntary applications.

Any such person received in a state hospital shall be deemed a voluntary patient.

Upon the admission of a voluntary patient to a state hospital the superintendent shall immediately forward to the office of the State Department of Mental Hygiene the record of such voluntary patient, showing the name, residence, age, sex, place of birth, occupation, civil condition, date of admission of such patient to such hospital, and such other information as is required by the rules and regulations of the department.

The charges for the care and keeping of a mentally disordered person in a state hospital shall be governed by the provisions of Article 4 (commencing with Section 7275) of Chapter 3 of Part 4 relating to the charges for the care and keeping of mentally disordered persons in state hospitals. The county where a mentally retarded person resided at the time of admission, as determined by the Department of Mental Hygiene, shall pay the cost to the state of the care of such person as provided by Sections 7510 and 7511 of this code; provided that, if a minor mentally retarded person is committed by the county where the state hospital is located solely for the reason that he has attained majority, the county of residence of such person shall remain the same as that established at the time of his initial admission. The responsibility of the mentally retarded patient and his kindred for reimbursement to the county shall be governed by Chapters 1, 2, 4, and 5 (commencing with Section 17000) of Part 5 of Division 10 of this code.

A voluntary adult patient may leave the hospital or institution at any time by giving notice of his desire to leave to any member of the hosptal staff and completing normal hospitalization departure procedures. A conservatee may leave in a like manner if notice is given by his conservator.

A minor person who is a voluntary patient may leave the hospital or institution after completing normal hospitalization departure procedures after notice is given to the superintendent or person in charge by the parents, or the parent, guardian, or other person entitled to the custody of the minor, of their desire to remove him from the hospital.

No person received into a state hospital, private mental institution, or county psychiatric hospital as a voluntary patient during his minority shall be detained therein after he reaches the age of majority, but any such person, after attaining the age of majority, may apply for admission into the hospital or institution for care and treatment in the manner prescribed in this section for applications by adult persons.

The Department of Mental Hygiene shall establish such rules and regulations as are necessary to carry out properly the provisions of this section.

No person shall be admitted to a state hospital for the mentally retarded under this article unless he meets the residence requirements set forth in Section 6451 of this code.

SEC 87. Section 6006 of the Welfare and Institutions Code is amended to read:

6006. A person admitted as a voluntary patient to a state hospital, a private mental institution, or a county psychiatric hospital shall have the following rights in addition to the right to leave such hospital as specified in this chapter:

(a) He shall receive such care and treatment as his condition requires for the full period that he is a patient;

(b) He shall have the full patient rights specified in Article 7 (commencing with Section 5325) of Chapter 2 of Part 1 of Division 5 of this code.

SEC. 88. Section 6050 of the Welfare and Institutions Code is repealed.

SEC. 89. Section 6201 of the Welfare and Institutions Code is amended and renumbered to read:

7001. No person, association, or corporation, shall establish or keep, for compensation or hire, an establishment for the care, custody, or treatment of the mentally disordered or other incompetent persons referred to in Division 6 without first having obtained a license therefor from the Department of Mental Hygiene, and having paid the license fee provided in this chapter.

Any person who carries on, conducts, or attempts to carry on or conduct an establishment for the care or treatment of the mentally disordered or incompetents without first having obtained a license from the Department of Mental Hygiene, as in this chapter provided, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months or by a fine not exceeding one thousand dollars ($1,000), or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this section shall be liable under the provisions of this section in the same manner and to the same effect as a private individual violating the same.

The provisions of this chapter do not apply to any hospital which maintains and operates organized medical, surgical or nursing and convalescent facilities primarily for the diagnosis, care, and treatment of physical human illness, including care during and after pregnancy, and to which persons may be admitted for overnight stay or longer, and holds a license in good standing issued under the provisions of Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code.

SEC. 90. Section 6203 of the Welfare and Institutions Code is amended and renumbered to read:

7003. Every application for a license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the department requires. The department shall adopt such rules and regulations as are necessary to properly enforce and apply the provisions

of this code relating to licensed private mental institutions, and may classify the establishments and prescribe minimum standards of safety, sanitation, diagnostic, medical, nursing, therapeutic and other facilities and equipment for each class of establishment.

The application for a license or a renewal of a license shall be accompanied by the proper license fee. The amount of the license fee for each 12-month period is that fixed by the following schedule:

(a) For establishments licensed to receive not more than ten (10) patients, the fee is twenty dollars ($20).

(b) For establishments licensed to receive more than ten (10) but not more than thirty (30) patients, the fee is forty dollars ($40).

(c) For establishments licensed to receive more than thirty (30) but not more than fifty (50) patients, the fee is seventy-five dollars ($75).

(d) For establishments licensed to receive more than fifty (50) patients, the fee is one hundred dollars ($100).

The department shall require a license fee, in situations where licensed establishments increase their number of patients during any fiscal year, based upon a pro rata charge under the schedule set forth herein.

An additional fee shall be required in accordance with the schedule set forth herein in the event of an application for transfer of a license to another person to operate the same establishment or for the transfer of a license issued in the name of one person to operate an establishment at a certain location where an application is received to transfer that license to the same person to operate an establishment at a different location.

A license issued by the department shall expire twelve (12) months from the date of its issuance.

SEC. 91. Section 6208 of the Welfare and Institutions Code is amended and renumbered to read:

7008. All licenses issued under the provisions of this chapter shall expire 12 months from the date of their issuance. Application for renewal of the license, accompanied by the necessary fee, shall be filed with the department, not less than 10 days prior to its expiration each year and if application is not so filed, the license shall be automatically canceled.

SEC. 92. Section 6250 of the Welfare and Institutions Code is amended to read:

6250. As used in this code, "person subject to judicial commitment," means persons who may be judicially committed under this part as mentally disordered sex offenders pursuant to Article 1 (commencing with Section 6300), narcotic drug addicts pursuant to Article 2 (commencing with Section 6350), habit-forming drug addicts pursuant to Article 3 (commencing with Section 6400), mentally abnormal sex offenders pursuant to Article 4 (commencing with Section 6450), mentally retarded persons pursuant to Article 5 (com-

mencing with Section 6500), or as juvenile court wards pursuant to Article 6 (commencing with Section 6550).

Nothing in this part shall be held to change or interfere with the provisions of the Penal Code and other laws relating to mentally disordered persons charged with crime or to the criminally insane.

This part shall be liberally construed so that, as far as possible and consistent with the rights of persons subject to commitment, such persons shall be treated, not as criminals, but as sick persons.

Any person complained against in any petition or proceeding started by virtue of the provisions of Chapter 2 (commencing with Section 6300) of this part shall not forfeit or suffer any legal disability by reason of the provisions of this part or that chapter or of any proceedings pursuant to this part or that chapter during the time of the pendency of the petition or while said person is under the jurisdiction of the court.

No person who is being treated by prayer in the practice of the religion of any well-recognized church, sect, denomination or organization, shall be ordered detained or committed under the provisions of Chapter 2 (commencing with Section 6300) of this part unless the court shall determine that he is or would likely become dangerous to himself or to the person or property of others, or unless being a minor, his parent or guardian having custody of his person shall consent to such detention or commitment.

SEC. 93. Section 6251 of the Welfare and Institutions Code is amended to read:

6251. Wherever, on the basis of a petition, provision is made in this code for issuing and delivering an order for examination and detention directing that a person be apprehended and taken before a judge of a superior court for a hearing and examination on an allegation of being a person subject to judicial commitment, the petition shall be in substantially the following form:

In the Superior Court of the State of California
For the County of _____

The People For the Best Interest and Protection of _____ as a _____ 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 a _____. That the person is _____ years of age; that __he is _____ (sex) and that __he is _____ (single, married, widowed, or divorced); and that _____ occupation is _____.

That the facts because of which petitioner believes that the person is a _____ are as follows: That __he, at _____ in the county, on the _____ day of _____, 19__, ___

_____

That petitioner's interest in and case is _____

_____

That petitioner believes that said person is _____ as defined in Section _____.

That the persons responsible for the care, support, and maintenance of the _____, and their relationship to the person are, so far as known to the petitioner, as follows: (Give names, addresses, and relationship of persons named as respondents) Wherefore, petitioner prays that examination be made to determine the state of the mental health of _____, alleged to be _____, and that such measures be taken for the best interest and protection of said _____, in respect to his supervision, care and treatment, as may be necessary and provided by law.

_____

Petitioner

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

_____, County Clerk

By_____Deputy

SEC. 94. Section 6252 of the Welfare and Institutions Code is amended to read:

6252. Wherever provision is made in this code for a judge of a superior court to issue and deliver an order for examination or detention directing that a person be apprehended and taken before a judge of a superior court for a hearing and examination on an allegation of being a person subject to judicial commitment, the order for examination or detention shall be in substantially the following form:

The People For the Best Interest and Protection of _____ as a _____ and Concerning _____ and _____ Respondents	Order for Examination or Detention

The People of the State of California _____

_____

(peace officer)

The petition for _____ having been presented this day to me, a Judge of the Superior Court in and for the County of _____, State of California, from which it appears that there is now in this county, at _____, a person by the name of _____, who is a _____.

And it satisfactorily appears to me that said person is sufficiently _____ that examination should be made and hearing held, if demanded, to determine the supervision, treatment, care or restraint, if any, necessary for his best interest and protection, and the protection of the people.

I do hereby appoint _____ and _____ as medical examiners to make a personal examination of _____, the person alleged to be _____, and to report thereon to the court, pursuant to Section _____ of the Welfare and Institutions Code.

* Now, therefore, you are commanded to notify said _____, to submit to an examination _____ on or before the _____ day of _____, that thereafter he may be taken before a judge of the superior court in this county for examination and hearing to determine the measures to be taken for the best interest and protection of said _____, as a _____, as provided by law.

* And it affirmatively appearing to me that said person is sufficiently __ _____ that he is likely to injure himself or others if not immediately hospitalized or detained, you are therefore commanded to forthwith detain said _____, or cause him to be detained for examination and hearing, pending the further order of the judge, at __ _____, and there be cared for in a humane manner as a _____ and provided with any medical treatment deemed necessary to his physical well-being.

* And it satisfactorily appearing to me that said person has failed or has refused to appear for examination when notified by order of this court, you are therefore commanded to forthwith detain said _____ or cause him to be detained for examination and hearing, pending the further order of the judge, at _____, and there be cared for in a humane manner as a _____.

I hereby direct that a copy of this order, together with a copy of the said petition be delivered to said person and his representative, if any, at the time of his notification; and I further direct that this order may be served at any hour of the night.

Witness my hand, this _____ day of _____, 19__.

_____

Judge of the Superior Court

* Strike out when not applicable.

Return of Order

I hereby certify that I received the above order for examination or detention, and on the _____ day of _____, 19__, served it by notifying and delivering to said _____ personally, and to his representatives, if any, to wit, _____, a copy of the order and of the petition, * or by apprehending said person and causing h__ to be detained for examination and hearing and for humane care as an alleged _____ at _____; until further ordered and directed by the judge.

* I hereby certify that prior to the service of the above order for detention and the apprehension of _____ I served notice on the person and his representative, if any, as required under Article 2 (commencing with Section 5200) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code. Dated _____, 19__.

_____

Signature of officer

* Strike out when not applicable.

SEC 95. Section 6254 of the Welfare and Institutions Code is amended to read:

6254. Wherever provision is made in this code for an order of commitment by a superior court, the order of commitment shall be in substantially the following form:

In the Superior Court of the State of California
for the County of _____

The People For the Best Interest and Protection of _____ as a _____, and Concerning _____ and _____, Respondents	Order for Care, Hospitalization or Commitment

The petition dated _____, alleging that _____, having been presented to this court on the _____ day of _____, 19__, and an order of detention issued thereon by a judge of the superior court of this county, and a return of the said order:

And it further appearing that the provisions of Sections 6250 to 6254, inclusive, of the Welfare and Institutions Code have been complied with;

And it further appearing that Dr. _____ and Dr. _____, two regularly appointed and qualified medical examiners of this county, have made a personal examination of the alleged _____, and have made and signed the certificate of the medical examiners, which certificate is attached hereto and made a part hereof;

Now therefore, after examination and certificate made as aforesaid the court is satisfied and believes that _____ is a _____ and is so _____.

It is ordered, adjudged and decreed:

That _____ is a _____ and that he

* (a) Be cared for and detained in _____, a county psychiatric hospital, a community mental health service, or a licensed sanitarium or hospital for the care of the mentally disordered until the further order of the court, or

* (b) Be cared for at _____, until the further order of the court, or

* (c) Be committed to the Department of Mental Hygiene for placement in a state hospital, 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. 96. Section 6300 of the Welfare and Institutions Code as amended by Chapter 1423 of the Statutes of 1967 is amended and renumbered to read:

7100. The board of supervisors of each county may maintain in the county hospital or in any other hospital situated within or without the county, suitable facilities and hospital service for the detention, supervision, care, and treatment of persons who are mentally disordered, mentally retarded, or who are alleged to be such.

The county may contract with public or private hospitals for such facilities and hospital service when they are not suitably available in any institution or establishment maintained or operated by the county.

The facilities and services, unless subject to or provided under the Short-Doyle Act, shall be subject to the approval of the State Department of Public Health and each person having charge and control of any such hospital shall allow the department to make such investigations thereof as it deems necessary at any time.

Nothing in this chapter means that mentally disordered, or mentally retarded persons may not be detained, supervised, cared for, or treated, subject to the right of inquiry or investigation by the department, in their own homes, or the homes of their relatives or friends, or in a licensed establishment.

SEC. 97. Section 6324 of the Welfare and Institutions Code is repealed.

SEC. 98. Section 6407 of the Welfare and Institutions Code is repealed.

SEC. 99. Section 6500 of the Welfare and Institutions Code as amended by Chapter 90 of the Statutes of 1967 is amended and renumbered to read:

7200. There are in the state the following state hospitals for the care and treatment of the mentally disordered:

1. Stockton State Hospital at the City of Stockton.
2. Napa State Hospital near the City of Napa.
3. Agnews State Hospital near the City of San Jose.
4. Mendocino State Hospital near the City of Ukiah.
5. Patton State Hospital near the City of San Bernardino.
6. Metropolitan State Hospital near the City of Norwalk, Los Angeles County.
7. Camarillo State Hospital near Camarillo, Ventura County.
8. The Langley Porter Neuropsychiatric Institute, in the City and County of San Francisco.
9. DeWitt State Hospital near the City of Auburn.
10. Modesto State Hospital near the City of Modesto
11. Atascadero State Hospital near the City of Atascadero, San Luis Obispo County.
12. Neuropsychiatric Institute, U.C.L.A. Medical Center.

SEC. 100. Section 6503.6 of the Welfare and Institutions Code is amended and renumbered to read:

7204 The Director of General Services, with the consent of the Department of Mental Hygiene, may sell the water treatment plant at the DeWitt State Hospital to the Nevada Irrigation District or the County of Placer under such terms, conditions, and restrictions as he deems to be for the best interests of the state. No such sale shall be made unless the district or county agrees to provide a sufficient amount of satisfactorily treated water to the hospital for its needs, at a cost no greater than that incurred by the hospital for water at the time of the sale.

SEC. 101. Section 6651 of the Welfare and Institutions Code is amended and renumbered to read:

7276. The charge for the care and treatment of all mentally disordered persons and alcoholics at state hospitals for the mentally disordered for whom there is liability to pay therefor shall be determined pursuant to Section 4025. The Director of Mental Hygiene may reduce, cancel or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care and treatment of any mentally disordered person or alcoholic who is a patient at a state hospital for the mentally disordered, on satisfactory proof that the estate or relatives, as the case may be, are unable to pay the cost of such care and treatment or that the amount is uncollectible. In any case where there has been a payment under this section, and such payment or any part thereof is refunded

because of the death, leave of absence, or discharge of any patient of such hospital, such amount shall be paid by the hospital or the Department of Mental Hygiene to the person who made the payment upon demand, and in the statement to the Controller the amounts refunded shall be itemized and the aggregate deducted from the amount to be paid into the State Treasury, as provided by law. If any person dies at any time while his estate is liable for his care and treatment at a state hospital, the claim for the amount due may be presented to the executor or administrator of his estate, and paid as a preferred claim, with the same rank in order of preference, as claims for expenses of last illness.

SEC. 102. Section 6652 of the Welfare and Institutions Code is amended and renumbered to read:

7277. The Department of Mental Hygiene shall collect all the costs and charges mentioned in Section 7275, and shall determine, pursuant to Section 7275, and collect the charges for care and treatment rendered persons in any community mental hygiene clinics maintained by the department and may take such action as is necessary to effect their collection within or without the state. The Director of Mental Hygiene may, however, at his discretion, refuse to accept payment of charges for the care and treatment in a state hospital of any mentally disordered person or inebriate who is eligible for deportation by the federal immigration authorities.

SEC. 103. Section 6700 of the Welfare and Institutions Code is repealed.

SEC. 104. Section 6702 of the Welfare and Institutions Code is repealed.

SEC. 105. Section 6705 of the Welfare and Institutions Code is repealed.

SEC. 106. Section 6717 of the Welfare and Institutions Code is repealed.

SEC. 107. Section 6718 of the Welfare and Institutions Code is repealed.

SEC. 108. Section 6726 of the Welfare and Institutions Code is amended and renumbered to read:

7352. The superintendent of a state hospital for the mentally disordered or mentally retarded may grant a leave of absence to any patient under general conditions prescribed by the Department of Mental Hygiene.

SEC. 109. A heading is added to follow Section 6741 of the Welfare and Institutions Code, to read:

Article 5. Medical Examiners

SEC. 110. Section 6778 of the Welfare and Institutions Code is amended to read:

6778. The counselor in mental health may perform such services as are designated by the county. Every counselor, assistant counselor, and deputy counselor in mental health shall have the powers of a peace officer.

SEC. 111. Section 6800 of the Welfare and Institutions Code is amended to read:

6800. All peace officers and other persons having similar duties relating to judicially committed poor persons shall see that all poor and indigent committed persons within their respective municipalities are speedily granted the relief conferred by this part. When so ordered by a superior court judge, they shall see that such committed persons are, without unnecessary delay, transferred to the proper state hospitals provided for their care and treatment. Before sending a person to any such hospital, they shall see that he is in a state of bodily cleanliness and comfortably clothed with clean clothes. The department may by order direct that any person whom it deems unsuitable therefor shall not be employed as an attendant for any committed person. After the patient has been delivered to the proper officers of the hospital, the care and custody of the county or municipality from which he is sent ceases.

SEC. 112. Section 7001 of the Welfare and Institutions Code is repealed.

SEC. 113. Section 7003 of the Welfare and Institutions Code is repealed.

SEC. 114. Section 7008 of the Welfare and Institutions Code is repealed.

SEC. 115. Section 7011.5 of the Welfare and Institutions Code is amended and renumbered to read:

7513. Each mentally retarded person and his estate shall pay the department for the cost of such person's care and treatment as defined in Section 4025 while in the state hospital and while on leave of absence at state expense, less the sums payable therefor by the county. The provisions of Sections 7276 and 7277 shall govern the assessment, cancellation, collection, and remission of charges for such care and treatment.

This section shall not be construed to impose any liability on the parents of mentally retarded persons.

SEC. 116. Section 7100 of the Welfare and Institutions Code is repealed.

SEC. 117. Section 7200 of the Welfare and Institutions Code is repealed.

SEC. 118. Section 7204 of the Welfare and Institutions Code is repealed.

SEC. 119. Section 7254 of the Welfare and Institutions Code is amended to read:

7254. The provisions of this section apply to any person who has been lawfully committed or admitted to any state hospital for the mentally disordered or mentally retarded and who is afflicted with, or suffers from, any of the following conditions:

(a) Mental disease which may have been inherited and is likely to be transmitted to descendants.

(b) Mental retardation, in any of its various grades.

(c) Marked departures from normal mentality.

The State Department of Mental Hygiene, upon compliance with the provisions of this section, may cause any such person to be sterilized by the operation of vasectomy upon the patient if a male and of salpingectomy if a female or any other operation or treatment that will permanently sterilize but not unsex the patient. When the superintendent of the state hospital or state home is of the opinion that a patient who is afflicted with or suffering from any of the conditions specified in this section should be sterilized, he shall certify such opinion to the Director of Mental Hygiene and shall at the same time give written notice of such certification to the patient and to his known parents, spouse, adult children, or guardian, if any, by registered mail to their last known address. If the patient has no known relatives or guardian, such notice shall be given to the person who petitioned for the patient's commitment. Such notice shall further state that written objection or written consent to the proposed sterilization should be filed with the Director of Mental Hygiene at his office in Sacramento within 30 days by the patient, spouse, next of kin or guardian.

When a written consent is filed, or if no objection is filed within the 30 days, the Director of Mental Hygiene, if satisfied that the sterilization will not unduly endanger the patient's health and that it is a proper case for sterilization, may authorize the superintendent to proceed with the sterilization of the patient. The director may cause such examination of the patient and other inquiry to be made as he deems advisable before issuing the authorization to the superintendent

If a written objection is filed within the 30 days by the patient, his spouse, next of kin, or guardian, and in those cases where the patient has no known relatives or guardian, the proposed sterilization shall not be authorized or performed until the Director of Mental Hygiene has determined the matter. He shall make full inquiry into the case, and may hold a hearing at the institution at which hearing the patient shall be present, and the objecting party and others interested on behalf of the patient may be heard. If the decision of the director is that the patient shall not be sterilized, he shall so order and notify the superintendent, the patient and the objecting party. If the decision of the director is that the patient should be sterilized, he shall send notice of such decision to the patient, his known parents, spouse, adult children, and guardian, if any, and the objecting party, by registered mail to their last known address. Such notice shall further state that any such party has the right within 30 days to petition the superior court of the county in which the institution is situated or of the county of the patient's residence for a review of the decision.

If such petition is filed in court within 30 days, and a true copy thereof is served upon the Director of Mental Hygiene, the patient shall not be sterilized unless and until the court, after hearing, issues an order authorizing the sterilization of

the patient in accordance with the provisions of this section. If such petition is not filed in court within 30 days, the director may authorize the superintendent to proceed with such sterilization. The sterilization of a patient in accordance with the provisions of this section, whether performed with or without the consent of the patient, shall be lawful and shall not render the department, its officers or employees, or any person participating in the operation liable either civilly or criminally.

SEC. 120. Section 7275 of the Welfare and Institutions Code is amended to read:

7275. The husband, wife, father, mother, or children of a patient in a state hospital for the mentally disordered, the estates of such persons, and the guardian and administrator of the estate of such patient shall cause him to be properly and suitably cared for and maintained, and shall pay the costs and charges of his transportation to a state institution. The husband, wife, father, mother, or children of a patient in a state hospital for the mentally disordered and the administrators of their estates, and the estate of such person shall be liable for his care, support, and maintenance in a state institution of which he is a patient. The liability of such persons and estates shall be a joint and several liability, and such liability shall exist whether the person has become a patient of a state institution pursuant to the provisions of this code or pursuant to the provisions of Sections 1026, 1368, 1369, 1370, and 1372 of the Penal Code.

This section does not impose liability for the care of mentally retarded persons in state hospitals.

SEC. 121. Section 7276 of the Welfare and Institutions Code is repealed.

SEC. 122. Section 7277 of the Welfare and Institutions Code is repealed.

SEC. 123. Section 7284 of the Welfare and Institutions Code is amended to read:

7284. If any incompetent person, who has no guardian and who has been admitted or committed to the Department of Mental Hygiene for placement in any state hospital for the mentally disordered or the mentally retarded is the owner of any property, the Department of Mental Hygiene, acting through its designated officer, may apply to a court of competent jurisdiction for its appointment as guardian of the estate of such incompetent person.

For the purposes of this section, the Department of Mental Hygiene is hereby made a corporation and may act as executor, administrator, guardian of estates, assignee, receiver, depositary or trustee, under appointment of any court or by authority of any law of this state, and may transact business in such capacity in like manner as an individual, and for this purpose may sue and be sued in any of the courts of this state.

If a person admitted or committed to the Department of Mental Hygiene dies, leaving any estate, and having no rela-

tives at the time residing within this state, the Department of Mental Hygiene may apply for letters of administration of his estate, and, in the discretion of the court, letters of administration may be issued to the department. When the Department of Mental Hygiene is appointed as guardian or administrator, the department shall be appointed as guardian or administrator without bond. The officer designated by the department shall be required to give a surety bond in such amount as may be deemed necessary from time to time by the director, but in no event shall the initial bond be less than ten thousand dollars ($10,000), which bond shall be for the joint benefit of the several estates and the State of California. The Department of Mental Hygiene shall receive such reasonable fees for its services as such guardian or administrator as the court allows. The fees paid to the Department of Mental Hygiene for its services as guardian or administrator of the various estates may be used as a trust account from which may be drawn expenses for filing fees, bond premiums, court costs, and other expenses required in the administration of the various estates. Whenever the balance remaining in such trust fund account shall exceed a sum deemed necessary by the department for the payment of said expenses, such excess shall be paid quarterly by the department into the State Treasury to the credit of the General Fund.

SEC. 124. Section 7300 of the Welfare and Institutions Code is amended to read:

7300 It shall be the policy of the department to make available to all persons judicially committed or remanded to its jurisdiction all of the facilities under the control of the department. Whenever, in the opinion of the Director of Mental Hygiene, it appears that a person judicially committed or remanded to the Department of Mental Hygiene for placement in an institution would be benefited by a transfer from that institution to another institution in the department, the director may cause the transfer of the patient from that institution to another institution under the jurisdiction of the department. Preference shall be given in any such transfer to an institution in an adjoining rather than a remote district.

However, before any inmate of a correctional school may be transferred to a state hospital for the mentally disordered he shall first be returned to a court of competent jurisdiction and, if subject to commitment, after hearing, may be committed to a state hospital for the mentally disordered in accordance with law.

The expense of such transfers is chargeable to the state, and the bills for the same, when approved by the Director of Mental Hygiene, shall be paid by the Treasurer on the warrant of the Controller, out of any moneys provided for the care or support of the patients or out of the moneys provided for the support of the department, in the discretion of the department.

SEC. 125. Section 7301 of the Welfare and Institutions Code is amended to read:

7301. Whenever, in the opinion of the Director of Mental Hygiene and with the approval of the Director of Corrections, any person who has been committed to a state hospital pursuant to provisions of the Penal Code or of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of this code needs care and treatment under conditions of custodial security which can be better provided within the Department of Corrections, such person may be transferred for such purposes from an institution under the jurisdiction of the Department of Mental Hygiene to an institution under the jurisdiction of the Department of Corrections.

Persons so transferred shall not be subject to the provisions of Section 4500, 4501, 4501.5, 4502, 4530, or 4531 of the Penal Code. However, they shall be subject to the general rules of the Director of Corrections and of the facility where they are confined and any correctional employee dealing with such persons during the course of an escape or attempted escape, a fight or a riot, shall have the same rights, privileges and immunities as if the person transferred had been committed to the Director of Corrections.

SEC. 126. Section 7302 of the Welfare and Institutions Code as amended by Chapter 1620 of the Statutes of 1967 is repealed.

SEC. 127. Section 7304 of the Welfare and Institutions Code as amended by Chapter 1620 of the Statutes of 1967 is amended and renumbered to read:

7604. The institute shall be conducted and maintained for diagnosis and treatment and for teaching and research in the field of neuropsychiatry and mental retardation to the end that critical shortages of trained personnel will be relieved and with the expectation that through research more rapid and economical treatment and preventive methods concerning mental disorders and retardation will be developed. The University of California shall utilize the facilities of the institute for teaching, research, and training in the field of neuropsychiatry and mental retardation. The Department of Mental Hygiene shall utilize the facilities of the institute for the care of patients as defined in Section 4025, and for such research and training as it may undertake in the field of neuropsychiatry and mental retardation. Admissions may be either on a voluntary basis after approval by the medical superintendent, or on transfer from another institution under the jurisdiction of the department after approval by the Director of Mental Hygiene, and no person shall be committed either directly to the Langley Porter Neuropsychiatric Institute or to the Department of Mental Hygiene for placement therein. All admissions shall be for temporary observation, research, diagnosis and treatment purposes as determined by the medical superintendent; in the cases of transfer from another institution, the patients so transferred may be returned, upon the

completion of the study, diagnosis, or treatment, to an institution of the type from which they came.

There shall be conducted and maintained in conjunction with the hospital unit an outpatient clinic.

The charges for the care and treatment rendered to each person admitted to the hospital, including the outpatient clinic, shall be determined pursuant to Section 4025. The liability for the charges so determined shall be governed by the provisions of Article 4 (commencing with Section 7275) of Chapter 3 of Division 7.

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this chapter.

SEC. 128. Section 7305 is added to the Welfare and Institutions Code, to read:

7305. Notwithstanding the provisions of Section 4122 or 7300 or any other provision of law to the contrary, a mentally retarded person shall not be transferred by the State Department of Mental Hygiene to a different institution, hospital, or facility without the consent of his parent or guardian, if any.

SEC. 129. Section 7325 of the Welfare and Institutions Code is amended to read:

7325. When any judicially committed or remanded patient has escaped from any state hospital or from any hospital or facility operated by or under the Veterans' Administration of the United States government, or when a judicially committed patient's return from leave of absence has been authorized or ordered by the Department of Mental Hygiene or the facility of the Veterans' Administration, any peace officer, upon written request of a state hospital or veterans' facility, shall without the necessity of a warrant or court order, or any officer or employee of the Department of Mental Hygiene designated to perform such duties may, apprehend, take into custody and deliver him to a state hospital or to a facility of the Veterans' Administration, or to any person or place authorized by the Department of Mental Hygiene, or by the Veterans' Administration, as the case may be, to receive him. Every officer or employee of the department designated to apprehend or return such patients shall have the powers and privileges of peace officers so far as necessary to enforce the provisions of this section.

As used in this section "any peace officer" means any sheriff, undersheriff, deputy sheriff, constable of a township, chief of police or policeman of a city or town, who is regularly employed and paid as such by a county, township, city or town.

This section also applies to persons involuntarily detained pursuant to Part 1 (commencing with Section 5000) of Division 5 of this code.

SEC. 130. Section 7352 of the Welfare and Institutions Code is repealed.

SEC. 131. Section 7353 of the Welfare and Institutions Code is repealed.

SEC. 132. Section 7360 of the Welfare and Institutions Code is amended to read:

7360. The medical superintendent shall not refuse to discharge any judicially committed patient as improved, on the ground that the guardian, friends, or relatives of the patient are not financially able and willing to care properly for the patient after his discharge. Any patient whose condition has improved so as to render him eligible for discharge under Section 7359 and whose guardian, friends, or relatives are not financially able and willing to care properly for him after his discharge shall be returned to the county from which he was committed, at the expense of the county, and shall be cared for by the county as are other indigent persons.

SEC. 133. Section 7406 of the Welfare and Institutions Code is amended and renumbered to read.

7706. The institute shall be conducted and maintained for the purpose of treating patients with organic and functional disorders of the nervous system, and to further the respective educational, training and research programs of the university and the Department of Mental Hygiene.

All admissions to the institute shall be for observation, teaching, research, diagnosis, and treatment purposes as determined by the superintendent and medical director. No person shall be admitted to the institute or transferred to the institute from any hospital under the jurisdiction of the Department of Mental Hygiene unless the superintendent and medical director of the institute approves such admission or transfer.

There shall be conducted and maintained in conjunction with the hospital unit an outpatient clinic.

The charges for the care and treatment rendered to each person admitted to the hospital, including the outpatient clinic, shall be determined pursuant to Section 4025. The liability for the charges so determined shall be governed by the provisions of Article 4 (commencing with Section 7275) of Chapter 3 of Division 7.

SEC. 134. Section 7513 of the Welfare and Institutions Code is repealed.

SEC. 135. Section 7604 of the Welfare and Institutions Code is repealed.

SEC. 136. Section 7706 of the Welfare and Institutions Code is repealed.

SEC. 137. Section 8012 of the Welfare and Institutions Code is repealed.

SEC. 138. Section 9006 of the Welfare and Institutions Code is repealed.

SEC. 139. Section 9016 of the Welfare and Institutions Code is amended and renumbered to read:

5616. A community mental health service may obtain services it requires, but cannot otherwise obtain, by contracting with the Department of Mental Hygiene to furnish such services.

The contract shall provide that the amount paid for such services by the community mental health service shall not exceed the cost thereof to the department. Funds received by the department under such contract constitute a reimbursement to the appropriation from which such cost is expendable and may be used for the purposes of the appropriation.

SEC. 139.5. Section 9016 of the Welfare and Institutions Code is repealed.

SEC. 140. Section 9034.1 as added to the Welfare and Institutions Code by Chapter 1565 of the Statutes of 1967 is amended and renumbered to read:

5654.1. From funds transferred from Item 126 to Item 276 of the Budget Act of 1967 for aftercare for those patients discharged from state hospitals as designated in Item 126, the state shall reimburse 100 percent of the expenditures for outpatient psychiatric clinic services for each such patient released from a state hospital incurred within 90 days from the date of his release.

This section shall remain in effect until June 30, 1968.

SEC. 140.5. Section 9034.1 as added to the Welfare and Institutions Code by Chapter 1565 of the Statutes of 1967 is repealed.

SEC. 141. Section 9034.1 as added to the Welfare and Institutions Code by Chapter 1619 of the Statutes of 1967 is repealed.

SEC. 142. Section 9037.1 of the Welfare and Institutions Code is repealed.

SEC. 143. Section 14021 of the Welfare and Institutions Code is amended to read:

14021. Notwithstanding any other provision of this chapter and Chapter 8 of this part, after June 30, 1968, basic health care and extended health services shall include the following mental health services:

(a) Mental health services provided by a county;

(b) Mental health services provided in a Short-Doyle community mental health service or in a community mental health center organized under the Federal Community Mental Health Centers Act of 1963. No amount shall be paid for that portion of the total costs of care and services in a federally funded community mental health center which may be compensated by the United States government under the Community Mental Health Centers Act of 1963. No amount shall be paid to a Short-Doyle community mental health service or a federally funded community mental health center unless the Short-Doyle community mental health service or the federally funded community mental health center participates in a county mental health plan;

(c) Inpatient hospital services in an institution for mental diseases to persons of all ages, provided that the institution for mental diseases is certified as a psychiatric hospital under Title XVIII of the Federal Social Security Act and regulations issued thereunder.

Notwithstanding Section 14157, no money in the State Health Care Deposit Fund shall be expended for the purposes of this section unless the Legislature specifically appropriates money therefrom for the purposes of this section.

SEC. 143.5. Section 48 of Chapter 1667 of the Statutes of 1967 is amended to read:

Sec. 48. Sections 1 to 42, inclusive, of this act, except for Chapters 4 5 and 5 of Division 7 of the Welfare and Institutions Code as added by Section 40 of this act, shall become operative on July 1, 1969; Chapter 5 of Division 7 of the Welfare and Institutions Code as added by Section 40 of this act shall become operative upon the completion and acceptance of the construction of the institute for which an appropriation for planning was provided by Item 354 of the Budget Act of 1965, at which time Chapter 4.5 of Division 7 of the Welfare and Institutions Code as added by Section 40 of this act shall cease to be operative.

SEC. 144. This act shall become operative at the same time as Sections 1 to 42, inclusive, of Chapter 1667 of the Statutes of 1967 become operative.

SEC. 145 Sections 67, 68, 69, 70, 71, 72, 74, 75, 76, 78, 79, 80, 81, 82, 83, 139, and 140 of this act shall not become operative if Assembly Bill No. 1454 is enacted at the 1968 Regular Session of the Legislature, and it is the intent of the Legislature that the provisions of Assembly Bill No. 1454 prevail over this act. Sections 139.5 and 140 5 shall become operative only if Assembly Bill No 1454 is enacted at the 1968 Regular Session of the Legislature and in such case at the same time as Assembly Bill No 1454 becomes operative.

SEC. 146 Notwithstanding Section 144 of this act, Sections 61.5, 62 5, 63 5, 64 5, 65.5, and 66.5 of this act shall become operative on the 61st day after the final adjournment of the 1968 Regular Session of the Legislature and shall cease to be operative on the date upon which Sections 1 to 42, inclusive, of Chapter 1667 of the Statutes of 1967 become operative.

SEC. 147. Sections 16.5, 18.5, 19 5, and 85 5 of this act shall not become operative unless Assembly Bill No 523 is enacted at the 1968 Regular Session of the Legislature. In such case Sections 16.5, 18 5, and 19 5 shall become operative on the operative date of Sections 1 to 42, inclusive, of Chapter 1667 of the Statutes of 1967 and Section 85 5 shall become operative on the 61st day after the final adjournment of the 1968 Regular Session of the Legislature and shall cease to be operative upon the operative date of Sections 1 to 42, inclusive of Chapter 1667 of the Statutes of 1967. In such case also, Sections 16, 18, and 19 of this act shall not become operative.

CHAPTER 1375

An act to amend Section 23038 of the Revenue and Taxation Code, to amend Sections 954 and 994 of the Evidence Code, to add Sections 2008.5 and 6127.5 to, to add Article 8 (commencing with Section 1800) to Chapter 4 of Division 2 of, to add Article 17 (commencing with Section 2500) to Chapter 5 of Division 2 of, and to add Article 10 (commencing with Section 6160) to Chapter 4 of Division 3 of, the Business and Professions Code, and to add Part 4 (commencing with Section 13400) to Division 3 of Title 1 of the Corporations Code, relating to professional corporations.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 23038 of the Revenue and Taxation Code is amended to read:

23038. "Corporation" includes every corporation except:

(a) Banks.

(b) Corporations expressly exempt from the tax by this part or the Constitution of this state.

For the purposes of the tax imposed under Chapter 3, "corporation" also includes associations, other than banking associations, and Massachusetts or business trusts. For the purposes of this part, a Massachusetts or business trust includes every business organization consisting essentially of an arrangement whereby property is conveyed to one, or more than one, trustee for purposes other than the mere conservation of assets, collecting and disbursing of fixed or periodic income, or the securing of an obligation.

"Corporation" includes any "corporation" operated by any receiver, liquidator, referee, trustee or other officers or agents appointed by any court, or an assignee for the benefit of creditors.

"Corporation" includes any professional corporation incorporated pursuant to Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code.

SEC. 2. Section 954 of the Evidence Code is amended to read:

954. Subject to Section 912 and except as otherwise provided in this article, the client, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between client and lawyer if the privilege is claimed by:

(a) The holder of the privilege;

(b) A person who is authorized to claim the privilege by the holder of the privilege; or

(c) The person who was the lawyer at the time of the confidential communication, but such person may not claim the privilege if there is no holder of the privilege in existence or

if he is otherwise instructed by a person authorized to permit disclosure.

The relationship of attorney and client shall exist between a law corporation as defined in Article 10 (commencing with Section 6160) of Chapter 4 of Division 3 of the Business and Professions Code and the persons to whom it renders professional services, as well as between such persons and members of the State Bar employed by such corporation to render services to such persons. The word "persons" as used in this subdivision includes partnerships, corporations, associations and other groups and entities.

SEC. 3. Section 994 of the Evidence Code is amended to read:

994. Subject to Section 912 and except as otherwise provided in this article, the patient, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between patient and physician if the privilege is claimed by:

(a) The holder of the privilege;

(b) A person who is authorized to claim the privilege by the holder of the privilege; or

(c) The person who was the physician at the time of the confidential communication, but such person may not claim the privilege if there is no holder of the privilege in existence or if he is otherwise instructed by a person authorized to permit disclosure.

The relationship of a physician and patient shall exist between a medical corporation as defined in Article 17 (commencing with Section 2500) of Chapter 5 of Division 2 of the Business and Professions Code and the patient to whom it renders professional services, as well as between such patients and licensed physicians and surgeons employed by such corporation to render services to such patients. The word "persons" as used in this subdivision includes partnerships, corporations, associations, and other groups and entities.

SEC. 4. Section 2008.5 is added to the Business and Professions Code, to read:

2008.5 Nothing in Section 2008 shall be deemed to apply to the acts and practices of a medical corporation duly certificated pursuant to the Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, and Article 17 (commencing with Section 2500) of Chapter 5 of Division 2 of this code when the medical corporation is in compliance with the requirements of (a) the Professional Corporation Act; (b) Article 17, Chapter 5, Division 2 of this code; and (c) all other statutes and all rules and regulations now or hereafter enacted or adopted pertaining to such corporation and the conduct of its affairs.

SEC. 5. Article 8 (commencing with Section 1800) is added to Chapter 4 of Division 2 of the Business and Professions Code, to read:

Article 8. Dental Corporations

1800. A dental corporation is a corporation which is registered with the Board of Dental Examiners and has a currently effective certificate of registration from the board pursuant to the Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, and this article. Subject to all applicable statutes, rules and regulations, such dental corporation is entitled to practice dentistry. With respect to a dental corporation, the governmental agency referred to in the Professional Corporation Act is the Board of Dental Examiners.

1801. An applicant for registration as a dental corporation shall supply to the board all necessary and pertinent documents and information requested by the board concerning the applicant's plan of operation, including but not limited to a copy of its articles of incorporation, certified by the Secretary of State, a copy of its bylaws, certified by the secretary of the corporation, the name and address of the corporation, the names and addresses of its officers, directors, shareholders, and employees who will render professional services, the address of each office, and any fictitious name or names which the corporation intends to use. The board may provide forms of application. If the board finds that the corporation is duly organized and existing pursuant to the General Corporation Law, that each officer, director, shareholder and each employee who will render professional services is a licensed person as defined in the Professional Corporation Act, and that from the application it appears that the affairs of the corporation will be conducted in compliance with law and the rules and regulations of the board, the board shall upon payment of the registration fee in such amount as it may determine issue a certificate of registration. The application shall be signed and verified by an officer of the corporation.

1802. Within such time as the board may by rule provide, the dental corporation shall report in writing to the board any change in directors, officers, employees performing professional services and share ownership, and amendments to its articles of incorporation and bylaws.

1803. Each dental corporation shall file with the board annually and at such other times as the board may require a report containing such information pertaining to qualification and compliance with the statutes, rules and regulations of the board as the board may determine. The fee for filing such a report shall be fixed by the board. All reports shall be signed and verified by an officer of the corporation.

1804. Notwithstanding subdivision (9) of Section 1680 and subdivision (g) of Section 1701, the name of a dental corporation and any name or names under which it may be rendering professional services shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders and shall include the words "den-

tal corporation" or wording or abbreviations denoting corporate existence.

1805. Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of a dental corporation shall be a licensed person as defined in the Professional Corporation Act.

1806. The income of a dental corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in the Professional Corporation Act) shall not in any manner accrue to the benefit of such shareholder or his shares in the dental corporation.

1807. A dental corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a license under Section 1634 of this code. The board shall have the same powers of suspension, revocation and discipline against a dental corporation as are now or hereafter authorized by Section 1670 of this code, or by any other similar statute against individual licensees, provided, however, that proceedings against a dental corporation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

1808. The board may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of a dental corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person (as defined in the Professional Corporation Act), or a deceased person, shall be sold to the corporation or to the remaining shareholders of such corporation within such time as such rules and regulations may provide, and (b) that a dental corporation as a condition of obtaining a certificate pursuant to the Professional Corporation Act and this article shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

SEC. 6. Article 17 (commencing with Section 2500) is added to Chapter 5 of Division 2 of the Business and Professions Code, to read:

Article 17. Medical Corporations

2500. A medical corporation is a corporation which is registered with the Board of Medical Examiners with reference to corporations rendering professional services as physicians and surgeons or as podiatrists, and the Board of Osteopathic Examiners with reference to corporations rendering professional services as osteopathic physicians and surgeons, and has

a currently effective certificate of registration from the board pursuant to the Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, and this article. Subject to all applicable statutes, rules and regulations, such medical corporation is entitled to practice medicine. With respect to a medical corporation, the governmental agency referred to in the Professional Corporation Act is the Board of Medical Examiners with reference to corporations rendering professional services as physicians and surgeons or as podiatrists, and the Board of Osteopathic Examiners with reference to corporations rendering professional services as osteopathic physicians and surgeons. As used in this article, the "board" refers to the Board of Medical Examiners or the Board of Osteopathic Examiners, as the case may be.

2501. An applicant for registration as a medical corporation shall supply to the board all necessary and pertinent documents and information requested by the board concerning the applicant's plan of operation, including but not limited to a copy of its articles of incorporation, certified by the Secretary of State, a copy of its bylaws, certified by the secretary of the corporation, the name and address of the corporation, the names and addresses of its officers, directors, shareholders and employees who will render professional services, the address of each office, and any fictitious name or names which the corporation intends to use. The board may provide forms of application. If the board finds that the corporation is duly organized and existing pursuant to the General Corporation Law, that each officer (except an assistant secretary or an assistant treasurer), director, shareholder and each employee who will render professional services is a licensed person as defined in the Professional Corporation Act, and that from the application it appears that the affairs of the corporation will be conducted in compliance with law and the rules and regulations of the board, the board shall upon payment of the registration fee in such amount as it may determine issue a certificate of registration. The application shall be signed and verified by an officer of the corporation.

2502. Within such time as the board may by rule provide, the medical corporation shall report in writing to the board any change in directors, officers, employees performing professional services and share ownership, and amendments to its articles of incorporation and bylaws.

2503 Each medical corporation shall file with the board annually and at such other times as the board may require a report containing such information pertaining to qualification and compliance with the statutes, rules and regulations referred to in Section 2008 5 of this code as the board may determine The fee for filing such a report shall be fixed by the board All reports shall be signed and verified by an officer of the corporation.

2504. A medical corporation shall be subject to the provisions of Section 2393 of this code.

2505. Except as provided in Section 13403 of the Corporations Code, relating to the Professional Corporation Act, each director and each officer of a medical corporation, except an assistant secretary and an assistant treasurer, shall be a licensed person as defined in the Professional Corporation Act.

2506. The income of a medical corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in the Professional Corporation Act) shall not in any manner accrue to the benefit of such shareholder or his shares in the medical corporation.

2507. A medical corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a certificate under Section 2135 or 2491 of this code. The board shall have the same powers of suspension, revocation and discipline against a medical corporation as are now or hereafter authorized by Section 2360 of this code, or by any other similar statute against individual licensees, provided, however, that proceedings against a medical corporation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

2508. The board may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of a medical corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person (as defined in the Professional Corporation Act), or a deceased person, shall be sold to the corporation or to the remaining shareholders of such corporation within such time as such rules and regulations may provide, and (b) that a medical corporation as a condition of obtaining a certificate pursuant to the Professional Corporation Act and this article shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

SEC. 7. Section 6127.5 is added to the Business and Professions Code, to read:

6127.5. Nothing in Sections 6125, 6126 and 6127 shall be deemed to apply to the acts and practices of a law corporation duly certificated pursuant to the Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, and pursuant to Article 10 (commencing with Section 6160) of Chapter 4 of Division 3 of this code, when the law corporation is in compliance with the requirements of (a) the Professional Corporation Act; (b) Article 10 (commencing with Section 6160)

of Chapter 4 of Division 3 of this code; and (c) all other statutes and all rules and regulations now or hereafter enacted or adopted pertaining to such corporation and the conduct of its affairs.

SEC. 8. Article 10 (commencing with Section 6160) is added to Chapter 4 of Division 3 of the Business and Professions Code, to read:

Article 10. Law Corporations

6160. A law corporation is a corporation which is registered with the State Bar of California and has a currently effective certificate of registration from the State Bar pursuant to the Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, and this article. Subject to all applicable statutes, rules and regulations, such law corporation is entitled to practice law. With respect to a law corporation the governmental agency referred to in the Professional Corporation Act is the State Bar.

6161. An applicant for registration as a law corporation shall supply to the State Bar all necessary and pertinent documents and information requested by the State Bar concerning the applicant's plan of operation, including but not limited to a copy of its articles of incorporation, certified by the Secretary of State, a copy of its bylaws, certified by the secretary of the corporation, the name and address of the corporation, the names and addresses of its officers, directors, shareholders and employees who will render professional services, the address of each office, and any fictitious name or names which the corporation intends to use. The State Bar may provide forms of application. If the Board of Governors or a committee authorized by it finds that the corporation is duly organized and existing pursuant to the General Corporation Law, that each officer (except as provided in Section 13403 of the Corporations Code), director, shareholder and each employee who will render professional services is a licensed person as defined in the Professional Corporation Act, and that from the application it appears that the affairs of the corporation will be conducted in compliance with law and the rules and regulations of the State Bar, the State Bar shall upon payment of the registration fee in such amount as it may determine issue a certificate of registration. The application shall be signed and verified by an officer of the corporation.

6162. Within such time as the State Bar may by rule provide, the law corporation shall report in writing to the State Bar any change in directors, officers, employees performing professional services and share ownership, and amendments to its articles of incorporation and bylaws.

6163. Each law corporation shall file with the State Bar annually and at such other times as the State Bar may require a report containing such information pertaining to qualifica-

tion and compliance with the statutes, rules and regulations referred to in Section 6127.5 of this code as the State Bar may determine. The fee for filing such a report shall be fixed by the State Bar. All reports shall be signed and verified by an officer of the corporation.

6164. The name of a law corporation and any name or names under which it may be rendering professional services shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders or of persons who were associated with a predecessor person, partnership, corporation or other organization or whose name or names appeared in the name of such predecessor organization and shall include the words "professional corporation" or wording or abbreviations denoting corporate existence.

6165. Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and each officer of a law corporation shall be a licensed person as defined in the Professional Corporation Act.

6166. The income of a law corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in the Professional Corporation Act) shall not in any manner accrue to the benefit of such shareholder or his shares in the law corporation.

6167. A law corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute a cause for discipline of a member of the State Bar, under any statute, rule or regulation now or hereafter in effect. In the conduct of its business, it shall observe and be bound by such statutes, rules and regulations to the same extent as if specifically designated therein as a member of the State Bar.

6168 The State Bar may conduct an investigation of the conduct of the business of a law corporation.

Upon such investigation, the Board of Governors, or a committee authorized by it, shall have power to issue subpoenas, administer oaths, examine witnesses and compel the production of records, in the same manner as upon an investigation or formal hearing in a disciplinary matter under the State Bar Act. Such investigation shall be private and confidential, except to the extent that disclosure of facts and information may be required if a cease and desist order is thereafter issued and subsequent proceedings are had.

6169. (a) When there is reason to believe that a law corporation has violated or is about to violate any of the provisions of this article or the Professional Corporation Act or of any other pertinent statute, rule or regulation, the State Bar may issue a notice directing the corporation to show cause why it should not be ordered to cease and desist from specified acts or conduct or its certificate of registration should not be suspended or revoked. A copy of the notice shall be served

upon the corporation in the manner provided for service of summons upon a California corporation.

(b) A hearing upon the notice to show cause shall be held before a standing or special committee appointed by the board of governors. Upon the hearing, the State Bar and the corporation shall be entitled to the issue of subpoenas, to be represented by counsel, to present evidence, and examine and cross-examine witnesses.

(c) The hearing committee shall make findings in writing and shall either recommend that the proceeding be dismissed or that a cease and desist order issue or that the certificate of registration of the corporation be suspended or revoked. Such determination may be reviewed by the board of governors or by a committee authorized by the Board of Governors to act in its stead, upon written petition for review, filed with the State Bar by the corporation or the State Bar within 20 days after service of such findings and recommendation. Upon review, the board of governors or the committee may take additional evidence, may adopt new or amended findings, and make such order as may be just, as to such notice to show cause.

6170. Any action of the State Bar or the Board of Governors or a committee of the State Bar provided for in this article may be reviewed by the Supreme Court by petition for review pursuant to rules prescribed by the Supreme Court.

6171. With the approval of the Supreme Court, the State Bar may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of a law corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person (as defined in the Professional Corporation Act) or a deceased person shall be sold to the corporation or to the remaining shareholders of such corporation within such time as such rules and regulations may provide, and (b) that a law corporation as a condition of obtaining a certificate pursuant to the Professional Corporation Act and this article shall provide and maintain security by insurance or otherwise for claims against it by its clients for errors and omissions arising out of the rendering of professional services.

6172. Nothing in this article shall be construed as affecting or impairing the disciplinary powers and authority of the Supreme Court or of the State Bar in respect of conduct of members of the State Bar nor modifying the statutes and rules governing such conduct, except as expressly provided in this article and except that members of the State Bar may properly render legal services as officers or employees of a law corporation and may participate as shareholders, officers and directors thereof, under the terms and conditions provided by this article and the Professional Corporation Act.

SEC. 9. Part 4 (commencing with Section 13400) is added to Division 3 of Title 1 of the Corporations Code, to read:

PART 4. PROFESSIONAL CORPORATIONS

13400. This part shall be known and may be cited as the "Moscone-Knox Professional Corporation Act."

13401. As used in this part:

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

(b) "Professional corporation" means a corporation organized under the General Corporation Law which is engaged in rendering professional services in a single profession pursuant to a certificate of registration issued by the governmental agency regulating such profession as herein provided and which in its practice or business designates itself as a professional or other corporation as may be required by statute.

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

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

13402. This part shall not apply to any corporation now in existence or hereafter organized which may lawfully render professional services other than pursuant to this part, nor shall anything herein contained alter or affect any right or privilege, whether under any existing or future provision of the Business and Professions Code or otherwise, in terms permitting or not prohibiting performance of professional services through the use of any form of corporation permitted by the General Corporation Law.

13403. The provisions of the General Corporation Law shall apply to professional corporations, except where such provisions are in conflict with or inconsistent with the provisions of this part. A professional corporation which has only one shareholder need have only one director who shall be such shareholder and who shall also serve as the president and treasurer of the corporation. The other officers of the corporation in such situation need not be licensed persons. A professional corporation which has only two shareholders need have only two directors who shall be such shareholders. The two shareholders between them shall fill the offices of president, vice president, secretary and treasurer.

13404. A corporation may be formed under the General Corporation Law for the purposes of qualifying as a professional corporation in the manner provided in this part and rendering professional services. The articles of incorporation of a professional corporation shall contain a specific statement that the corporation is a professional corporation within the meaning of this part. No professional corporation shall render professional services in this state without a currently effective certificate of registration issued by the governmental agency regulating the profession in which such corporation is or proposes to be engaged, pursuant to the applicable provisions of the Business and Professions Code expressly authorizing such professional services to be rendered by a professional corporation.

13405. Subject to the provisions of Section 13404, a professional corporation may lawfully render professional services, but only through employees who are licensed persons. The corporation may employ persons not so licensed, but such persons shall not render any professional services rendered or to be rendered by said corporation.

13406. Shares of capital stock in a professional corporation may be issued only to a licensed person, and any shares issued in violation of this restriction shall be void. Unless there is a public offering of securities by a professional corporation, its financial statements shall be treated by the Commissioner of Corporations as confidential, except to the extent that such statements shall be subject to subpoena in connection with any judicial or administrative proceeding, and may be admissible in evidence therein. No shareholder of a professional corporation shall enter into a voting trust, proxy, or any other arrangement vesting another person (other than another licensed person who is a shareholder of the same corporation) with the authority to exercise the voting power of any or all of his shares, and any such purported voting trust, proxy or other arrangement shall be void.

13407. Shares in a professional corporation may be transferred only to a licensed person or to such professional corporation, and any transfer in violation of this restriction shall be void.

A professional corporation may purchase its own shares without regard to any restrictions provided by law upon the repurchase of shares, if at least one share remains issued and outstanding.

If the corporation shall fail to acquire all of the shares of a disqualified or deceased shareholder, or if the disqualified shareholder or the representative of a deceased shareholder shall fail to transfer said shares to the corporation or to a licensed person, within ninety (90) days following the date of disqualification, or within six (6) months following the date of death of such shareholder, as the case may be, then the certificate of registration of such corporation may be suspended or revoked by the governmental agency regulating the

profession in which such corporation is engaged. In the event of such suspension or revocation such corporation shall cease forthwith to render professional services.

13408. The following shall be grounds for the suspension or revocation of the certificate of registration of a professional corporation: (a) if all shareholders of such corporation shall at any one time become disqualified persons, or (b) if the sole shareholder shall become a disqualified person, or (c) if such corporation shall knowingly employ or retain in its employment a disqualified person, or (d) if such corporation shall violate any applicable rule or regulation adopted by the governmental agency regulating the profession in which such corporation is engaged, or (e) if such corporation shall violate any statute applicable to a professional corporation, or (f) any ground for such suspension or revocation specified in the Business and Professions Code relating to the profession in which such corporation is engaged. In the event of such suspension or revocation of its certificate of registration such corporation shall cease forthwith to render professional services.

13409. A professional corporation may adopt any name permitted by a law expressly applicable to the profession in which such corporation is engaged or by a rule or regulation of the governmental agency regulating such profession. The provisions of Section 310 of this code shall not apply to the name of a professional corporation if such name shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders or of persons who were associated with a predecessor person, partnership or other organization or whose name or names appeared in the name of such predecessor organization, and the Secretary of State shall have no authority by reason of said Section 310 to refuse to file articles of incorporation which set forth such a name; provided, however, that such name shall not be substantially the same as the name of a domestic corporation, the name of a foreign corporation which is authorized to transact business in this state, or a name which is under reservation for another corporation. The Secretary of State may require proof by affidavit or otherwise establishing that the name of the professional corporation complies with the requirements of this section and of the law governing the profession in which such professional corporation is engaged. The statements of fact in such affidavits may be accepted by the Secretary of State as sufficient proof of the facts.

13410. A professional corporation shall be subject to the applicable rules and regulations adopted by, and all the disciplinary powers of, the governmental agency regulating the profession in which such corporation is engaged. Nothing in this part shall affect or impair the disciplinary powers of any such agency over licensed person or any law, rule or regulation

pertaining to the standards for professional conduct of licensed persons or to the professional relationship between any licensed person furnishing professional services and the person receiving such services.

CHAPTER 1376

An act making an appropriation for vocational rehabilitation aid programs.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 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 Rehabilitation the sum of one hundred thousand dollars ($100,000) to be matched by nine hundred thousand dollars ($900,000) in federal funds to finance the cost of vocational evaluation and work adjustment services for disadvantaged individuals.

SEC. 2. Evaluation and work adjustment services include such services as the following:

(a) A preliminary diagnostic study to determine that the individual is disadvantaged, has an employment handicap, and that services are needed.

(b) A thorough diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed.

(c) Services to appraise the individual's patterns of work behavior and ability to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment.

(d) Any other goods or services provided to a disadvantaged individual, determined (in accordance with regulations of the Director of Rehabilitation) to be necessary for, and which are provided for the purpose of, ascertaining the nature of the handicap to employment and whether it may reasonably be expected the individual can benefit from vocational rehabilitation services or other services available to disadvantaged individuals.

(e) Outreach, referral, and advocacy.

(f) The administration of these evaluation and work adjustment services.

The term "disadvantaged individuals" means (i) handicapped individuals as defined in Sections 7008 and 7009 of the Education Code, (ii) individuals disadvantaged by reason of their youth or advanced age, low educational attainments, ethnic or cultural factors, prison or delinquency records, or other conditions which constitute a barrier to employment, and (iii) other members of their families when the provision of vocational rehabilitation services to family members is necessary for the rehabilitation of an individual described in clause (i) or (ii).

SEC. 3. No payment may be made from the appropriation made by this act for any cost with respect to which any payment is made under any other appropriation.

SEC. 3.5. Upon the approval of the Director of Finance, the Department of Rehabilitation may use up to five thousand dollars ($5,000) of the state funds appropriated for the purposes of this act, in connection with federal funds, for the initial development of this program.

SEC. 4. This act shall be known as the Vocational Evaluation and Work Adjustment Act of 1968.

CHAPTER 1377

An act to amend Section 75075 of the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 75075 of the Government Code is amended to read:

75075. Any judge hereafter retiring pursuant to the provisions of Section 75025 or Section 75060 may elect to receive the benefits accorded by this article (a) if he retires on the day of attainment of the age of 70 years, or prior thereto, or (b) regardless of age at retirement, if he is a judge on September 18, 1959, or his commission was issued on or before that date and (1) retires within five years after such date or (2) if not eligible to retire within said five-year period, he retires within two years after he attains eligibility.

Every judge who qualifies under this section shall be deemed to elect to receive the benefits accorded by this article, unless he makes an election to the contrary by filing written notice thereof with the Secretary of State at or prior to retirement.

Any judge whose service would qualify him for any benefits under this article if the total of such service included an additional 30 days, shall be deemed to have credited to him, sufficient service to qualify for the benefit.

CHAPTER 1378

An act to amend Section 4380 of the Government Code, relating to California-made products.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 4380 of the Government Code is amended to read:

4380. No agency of the state nor any political subdivision, municipal corporation, or district, nor any public officer or person charged with the letting of contracts for the construction, alteration, or repair of public works shall draft or cause to be drafted specifications for bids, in connection with the construction, alteration, or repair of public works, (1) in such a manner as to limit the bidding, directly or indirectly, to any one specific concern, or (2) except in those instances where the product is designated to match others in use on a particular public improvement either completed or in the course of completion, calling for a designated material, product, thing, or service by specific brand or trade name unless the specification lists at least two brands or trade names of comparable quality or utility and is followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service. In applying this section, the specifying agency shall, if aware of an equal product manufactured in California, name such product in the specification. In those cases involving a unique or novel product application required to be used in the public interest, or where only one brand or trade name is known to the specifying agency, it may list only one. Specifications shall provide a period of time of at least 35 days after award of the contract for submission of data substantiating a request for a substitution of "an equal" item.

CHAPTER 1379

An act to add Section 24410 to the Revenue and Taxation Code, relating to the Bank and Corporation Tax Law, to take effect immediately, tax levy.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 24410 is added to the Revenue and Taxation Code, to read:

24410. (a) Dividends received by a corporation commercially domiciled in California, during the income year from an insurance company subject to tax imposed by Part 7 (commencing with Section 12001) of this division at the time of the payment of the dividends and at least 80 percent of each class of its stock then being owned by the corporation receiving the dividend.

(b) If the insurance company from which the dividends are received has gross income from sources either within or without the state, the deduction under subdivision (a) shall be limited to that portion of the dividend received which corresponds to the average percentage determined by applying the allocation formula set forth in subdivision (c).

(c) For the purpose of this section, such formula shall consist solely of the average of the following three factors of the insurance company declaring the dividend for the year in which the dividend was paid.

(1) A gross receipts factor, the denominator of which shall include all receipts regardless of the nature or source from which derived. The numerator of this factor shall include all receipts derived from or attributable to sources within this state. With respect to premiums, only receipts which were subject to tax under Part 7 (commencing with Section 12001) of this division, shall be included in the numerator, and with respect to income from intangibles they shall be attributable to the commercial domicile of the insurance company.

(2) A payroll factor determined under the provisions of the Uniform Division of Income for Tax Purposes Act, Chapter 17, Article 2 of this part.

(3) A property factor, determined under the provisions of the Uniform Division of Income for Tax Purposes Act provided for in Article 2 (commencing with Section 25120) of Chapter 17 of this part, provided that for the purposes of this paragraph the property factor shall include all intangible investment property, which intangible property shall be allocated to the commercial domicile of such insurance company.

(d) The insurance company from which the dividends are received shall furnish such information as the Franchise Tax Board may require to determine the allocation formula and the Franchise Tax Board may adopt such regulations as it deems necessary to effectuate the purpose of this section.

Nothing in this section shall be construed to limit or affect in any manner any other provisions of this part.

SEC. 2. The provisions of this act shall be applicable to income years beginning on and after January 1, 1968.

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 1380

An act to add Part 14 (commencing with Section 16000) to Division 3 of Title 2 of the Government Code, and to add Section 215 to the Health and Safety Code, relating to environmental quality control.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Part 14 (commencing with Section 16000) is added to Division 3 of Title 2 of the Government Code, to read:

PART 14. ENVIRONMENTAL QUALITY STUDY COUNCIL

CHAPTER 1. STATE POLICY

16000. The Legislature finds that:

(a) Rapid population growth, economic development and urbanization have affected the quality of California's natural environment.

(b) Improvement of the quality of California's physical environment with the maximum benefit to the people of the state is a matter of statewide, regional, and local concern calling for coordinated public and private action in the interest of the health, safety, and welfare of present and future generations.

16001. An in-depth study is needed:

(a) To define the interrelationship of resources management, land use and transportation policies, and other matters, including noise emissions, that affect environmental quality.

(b) To determine whether existing approaches to the protection, management, and improvement of environmental quality are adequate for effective, long-range solutions to the problems.

(c) To recommend appropriate action necessary to effectively protect, manage, and improve environmental quality on a long-range basis.

CHAPTER 2. DEFINITIONS

16020. "Council" means the State Environmental Quality Study Council.

16021. "Environmental quality" means the characteristics or conditions and relative degree of excellence of the physical and biological constituents of man's surroundings.

16022. "Waste management" means the organized and systematic actions by which waste products are utilized, or collected, processed, and disposed without an unreasonable adverse effect upon man's environment.

CHAPTER 3 ORGANIZATION AND MEMBERSHIP OF THE COUNCIL

16050. There is in the state government the State Environmental Quality Study Council.

16051. The council consists of the following membership:

Secretary of the Resources Agency.

Secretary of the Business and Transportation Agency.

Chairman of the State Water Resources Control Board.

Chairman of the State Air Resources Board.

Seven public members appointed by the Governor, who shall have demonstrated interest in, and knowledge of, the protection, management, and improvement of the quality of California's physical environment. One of the seven public members appointed by the Governor, in addition to the qualifications specified in this section, shall represent the solid waste management industry and one of the seven public members appointed by the Governor shall represent city and county government, as selected from the city and county members on the Intergovernmental Council on Urban Growth.

Four members, two of whom shall be appointed by the Speaker of the Assembly, and two by the Senate Rules Committee.

16052. In addition to the members specified pursuant to Section 16051, the council consists of the following nonvoting ex officio membership:

Director of Public Health.

Director of Agriculture.

Director of Parks and Recreation.

Director of Fish and Game.

Director of Conservation.

Director of Public Works.

Director of Water Resources.

Director of Housing and Community Development.

City and county members of the Intergovernmental Council on Urban Growth.

16053. The Governor shall designate the chairman of the council.

16054. The council shall cease to exist upon the adjournment sine die of the 1971 Regular Session of Legislature.

16055. The council shall make progress reports to the Governor and to the Legislature on February 1, 1969, and on February 1, 1970; and shall make a final report to the Governor and to the Legislature on February 1, 1971, at which time the council shall make recommendations as to how its powers and duties can best be carried out in the future.

CHAPTER 4. POWERS AND DUTIES OF THE COUNCIL

16080. The council shall:

(a) Make a thorough study of relevant policies, practices, and programs in the state that relate significantly to environmental quality.

(b) Identify major environmental quality problems, giving consideration to all of the possible interrelationships between the degradation or improvement of air, land, and water resources.

(c) Develop long-range goals and make recommendations, after holding public hearings, as to policies, criteria, and programs as guides in the protection, management, and improvement of California's environmental quality.

(d) Identify problems in existing environmental quality control efforts in the state, including unmet or inadequately met needs, undesirable overlaps or conflicts in jurisdiction, between or among federal, state, regional, and local agencies, and any efforts that may be unnecessary or undesirable.

(e) Recommend, after holding public hearings, such legislative and administrative actions as may be necessary to establish goals, policies, and criteria and to implement programs that will effectively protect, manage, and improve environmental quality on a long-range basis.

(f) Review and make recommendations, after holding public hearings, on the need to upgrade the capacity of the state to adequately plan for and implement environmental quality goals.

(g) Review and make recommendations, after holding public hearings, on proper state, regional, or local governmental mechanisms, which would formulate broad policies, objectives and criteria for the coordinated protection, management, and improvement of California's physical environment.

(h) Make recommendations for immediate action by state agencies as defined in Section 11000 which would effectively preserve and enhance California's natural environment.

16081. The council may:

(a) Appoint an executive secretary and other staff.

(b) Receive and disburse federal, state, or local funds.

(c) Contract for services.

(d) Hold public hearings.

(e) Appoint such advisory groups as may be necessary to carry out its powers and duties.

(f) Call upon any state agency for assistance in carrying out its objectives.

SEC. 2. Section 215 is added to the Health and Safety Code, to read:

215. The department shall, in conjunction with other appropriate state and local agencies and an advisory committee which the director shall appoint, including other affected interests, conduct a study of the solid waste problems and needs of the state. The objectives of the study shall be:

(a) To determine current policies, practices, and programs in the state concerning solid waste management.

(b) To assess and evaluate current solid waste problems in the state and to make realistic projections of future problems.

(c) To evaluate the existing state of the art and promising new developments as regards criteria, techniques, and methods for dealing with solid wastes.

The department shall make an interim report on this study to the State Environmental Quality Study Council on or before February 1, 1969, and a final report on or before February 1, 1970, together with appropriate recommendations. After review and evaluation the State Environmental Quality Study Council shall comment on, and forward, these reports to the Legislature within 30 days after their receipt.

"Waste management" means waste management as defined in Section 16022 of the Government Code.

SEC. 3. There is hereby appropriated from the General Fund to the State Environmental Quality Study Council the sum of twenty-five thousand dollars ($25,000) for expenditure, without regard to fiscal years, pursuant to the provisions of Part 14 (commencing with Section 16000), Division 3, Title 2 of the Government Code.

CHAPTER 1381

An act to add Section 13550.2 to the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 13550.2 is added to the Welfare and Institutions Code, to read:

13550.2. Notwithstanding the provisions of subdivision (d) of Section 13550, an applicant or recipient who is a mentally retarded person in a private institution providing care for more than six persons, is eligible under this chapter.

CHAPTER 1382

An act to amend Section 24070 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 24070 of the Business and Professions Code is amended to read:

24070. Each license is separate and distinct and is transferable upon approval by the department from the licensee to another person and from one premises to another premises.

(a) All off-sale general licenses may be transferred from one county to another county, subject to the following provisions:

1. The number of off-sale general licenses in existence in any county on June 1 of any year shall not be increased by more than 25 new original off-sale general licenses during the following 12-month period, provided further that the number of new original off-sale general licenses that may be issued in any county during any 12-month period shall not increase by more than 10 percent the number of off-sale general licenses in existence in such county on the June 1 with which that 12-month period began.

2. After the department computes the number of new original off-sale licenses that may be issued in any county during any 12-month period as provided by the foregoing paragraph, if the department determines that the ratio established by Section 23817 will permit, during such 12-month period, additional off-sale general licenses in any county, off-sale general licenses may be transferred into such county in a number not to exceed by more than 10 percent the number of off-sale general licenses in existence in such county on the June 1 with which that 12-month period began, but in no event to exceed 25 such transfers during that 12-month period.

3. Under no circumstances shall the combined total number of new original off-sale general licenses that may be issued in any county during any 12-month period and the number of off-sale general licenses that may be transferred into such county during that 12-month period, exceed the limitation set forth in Section 23817.

(b) The number of on-sale general licenses in existence in any county on June 1 of any year shall not be increased by more than 10 percent by the issuance of new original on-sale general licenses, but in no event to exceed 25 such licenses, during any 12-month period. The number of on-sale general licenses shall be limited by the provisions of Section 23816.

(c) No retail license subject to the provisions of Section 23816 or 23817 issued as a new original license on or after June 1, 1961, and no off-sale general license transferred from one county to another county on or after the operative date of the 1967 amendment to this section, shall be transferable from the licensee to another person, or if the licensee is a corporation a controlling interest in the stock ownership of the licensee shall not be, directly or indirectly, sold, transferred, or hypothecated unless the licensee be a corporation the stock of which is listed on a stock exchange in this state or in the City of New York, State of New York, or which is required by law to file periodic reports with the Security Exchange Commission, for a period of two years from date of issuance of the license, except as provided in Section 24071, and except when the department determines that the transfer is necessary to prevent undue hardship.

(d) No off-sale general license that is transferred from one county to another county pursuant to the 1967 amendment to this section shall be transferred thereafter for a purchase price or consideration to the transferor or from the transferee in excess of ten thousand dollars ($10,000), except that if the off-sale general license was originally issued on or after June 1, 1961, the purchase price or consideration to the transferor or from the transferee shall not exceed six thousand dollars ($6,000), as provided by Section 24079.

SEC. 2. Section 24070 of the Business and Professions Code is amended to read:

24070. Each license is separate and distinct and is transferable upon approval by the department from the licensee to another person and from one premises to another premises.

(a) All off-sale general licenses may be transferred from one county to another county, subject to the following provisions:

1. The number of off-sale general licenses in existence in any county on June 1 of any year shall not be increased by more than 25 new original off-sale general licenses during the following 12-month period, provided further that the number of new original off-sale general licenses that may be issued in any county during any 12-month period shall not increase by more than 10 percent the number of off-sale general licenses in existence in such county on the June 1 with which that 12-month period began.

2. After the department computes the number of new original off-sale licenses that may be issued in any county during any 12-month period as provided by the foregoing paragraph, if the department determines that the ratio established by Section 23817 will permit, during such 12-month period, additional off-sale general licenses in any county, off-sale general licenses may be transferred into such county in a number not to exceed by more than 10 percent the number of off-sale general licenses in existence in such county on the June 1 with which that 12-month period began, but in no event to exceed 25 such transfers during that 12-month period.

3. Under no circumstances shall the combined total number of new original off-sale general licenses that may be issued in any county during any 12-month period and the number of off-sale general licenses that may be transferred into such county during that 12-month period, exceed the limitation set forth in Section 23817.

(b) All on-sale general licenses may be transferred from one county to another county, subject to the following provisions:

1. The number of on-sale general licenses in existence in any county on June 1 of any year shall not be increased by more than 10 percent by the issuance of new original on-sale general licenses, but in no event to exceed 25 such licenses, during any 12-month period. The number of on-sale general licenses shall be limited by the provisions of Section 23816.

2. After the department computes the number of new original on-sale licenses that may be issued in any county during any 12-month period as provided by the foregoing paragraph, if the department determines that the ratio established by Section 23816 will permit, during such 12-month period, additional on-sale general licenses in any county, on-sale general licenses may be transferred into such county in a number not to exceed by more than 10 percent the number of on-sale general licenses in existence in such county on the June with which that 12-month period began, but in no event to exceed 25 such transfers during that 12-month period.

3. Under no circumstances shall the combined total number of new original on-sale general licenses that may be issued in any county during any 12-month period and the number of on-sale general licenses that may be transferred into such county during that 12-month period, exceed the limitation set forth in Section 23816.

4. The transfer fee for transfer of an on-sale general license from one county to another county shall be the same as the fee prescribed in subdivision (d) of Section 24072 for transfer of an off-sale general license from one county to another county.

(c) No retail license subject to the provisions of Section 23816 or 23817 issued as a new original license on or after June 1, 1961, and no off-sale general license or on-sale general license transferred from one county to another county on or after August 17, 1967, shall be transferable from the licensee to another person, or if the licensee is a corporation a controlling interest in the stock ownership of the licensee shall not be, directly or indirectly, sold, transferred, or hypothecated unless the licensee be a corporation the stock of which is listed on a stock exchange in this state or in the City of New York, State of New York, or which is required by law to file periodic reports with the Security Exchange Commission, for a period of two years from date of issuance of the license, except as provided in Section 24071, and except when the department determines that the transfer is necessary to prevent undue hardship.

(d) No off-sale general license or on-sale general license that is transferred from one county to another county pursuant to this section shall be transferred thereafter for a purchase price or consideration to the transferor or from the transferee in excess of ten thousand dollars ($10,000), except that if the off-sale general license or on-sale general license was originally issued on or after June 1, 1961, the purchase price or consideration to the transferor or from the transferee shall not exceed six thousand dollars ($6,000), as provided by Section 24079.

SEC. 3. It is the intent of the Legislature, if amendments to Section 24070 of the Business and Professions Code proposed by both this bill and S.B. 595 are enacted, that both

amendments be given effect and incorporated in Section 24070 in the form set forth in Section 2 of this act. Therefore, in the event S.B. 595 is enacted and amends Section 24070, Section 2 of this act shall become operative at the same time that Section 24070 as amended by S.B. 595 becomes operative, and at that time, Section 24070 of the Business and Professions Code as amended by Section 1 of this act is repealed.

CHAPTER 1383

An act to amend Section 11102 of, and to add Section 16200.5 to, the Welfare and Institutions Code, relating to facilities for aged persons.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 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, the county from which he was admitted to the hospital.

SEC. 2. Section 16200.5 is added to the Welfare and Institutions Code, to read:

16200.5. Notwithstanding any other provision of law any health facility or institution licensed by the Department of Public Health or the Department of Mental Hygiene may, upon application, be licensed under the provisions of this chap-

ter, provided the applicant complies with the provisions of this chapter and the rules and regulations promulgated by the department pursuant to the provisions of this chapter as these rules and regulations apply to facilities for the care of the aged licensed and in operation on the effective dates of such rules and regulations, except that the facilities licensed pursuant to this section shall comply with all such rules and regulations on or before July 1, 1970.

CHAPTER 1384

An act to amend Section 53060 of, and to add Section 55707 to, the Government Code, relating to public contracts.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 53060 of the Government Code is amended to read:

53060. The legislative body of any public or municipal corporation or district may contract with and employ any persons for the furnishing to the corporation or district special services and advice in financial, economic, accounting, engineering, legal, or administrative matters if such persons are specially trained and experienced and competent to perform the special services required.

The authority herein given to contract shall include the right of the legislative body of the corporation or district to contract for the issuance and preparation of payroll checks.

The legislative body of the corporation or district may pay from any available funds such compensation to such persons as it deems proper for the services rendered

SEC. 2. Section 55707 is added to the Government Code, to read:

55707 No contract entered into pursuant to this article shall be operative until it has been submitted at a general election or at a direct primary election to the qualified electors of each local agency which is a party thereto and shall have received a majority of all votes cast for and against it at such election in each such local agency.

CHAPTER 1385

An act to add Section 26616 to the Government Code, relating to sheriffs.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 26616 is added to the Government Code, to read:

26616. Upon the application of a licensee under the Private Investigator and Adjuster Act (commencing with Section 7500 of the Business and Professions Code), the sheriff shall furnish such licensee with a report stating whether any employee, or proposed employee, of such licensee has ever been convicted of a crime involving moral turpitude or the illegal possession of a dangerous weapon or of a felony; provided, that the information contained in the sheriff's report to the applying licensee shall be only a statement of whether or not a conviction of such a crime has occurred. The application shall include:

(a) The full name, residence address, telephone number, date and place of birth, and the social security number of the employee or proposed employee.

(b) Three recent photographs of the employee or proposed employee of a type prescribed by the sheriff, and three classifiable sets of his fingerprints.

(c) Such other information, evidence, statements, or documents as may be required by the sheriff.

(d) A signed statement by the employee or proposed employee consenting to the application for such information

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CHAPTER 1386

An act to amend Sections 12022 and 13800 of the Penal Code, relating to crime prevention and control.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 12022 of the Penal Code is amended to read:

12022. Any person who commits or attempts to commit any felony within this state while armed with any of the deadly weapons, as defined by subdivision (f) of Section 3024, upon conviction of such felony or of an attempt to commit such felony, shall in addition to the punishment prescribed for the crime of which he has been convicted, be punishable by imprisonment in a state prison for not less than five nor more than

10 years. Such additional period of imprisonment shall commence upon the expiration or other termination of the sentence imposed for the crime of which he is convicted and shall not run concurrently with such sentence.

Upon a second conviction under like circumstances the additional period of imprisonment shall be for not less than 10 years nor for more than 15 years, and upon a third conviction under like circumstances the additional period of imprisonment shall be for not less than 15 nor for more than 25 years, such terms of additional imprisonment to run consecutively.

Upon a fourth or subsequent conviction under like circumstances the person so convicted may be imprisoned for life or for a term of not less than 25 years, within the discretion of the court in which the fourth or subsequent conviction was had.

SEC. 2. Section 13800 of the Penal Code is amended to read:

13800. There is hereby created in the state government the California Council on Criminal Justice, hereafter referred to as the council, which shall be composed of the following members: the Attorney General, 12 members appointed by the Governor, three of whom shall be the Commissioner of the Department of the Highway Patrol, the Director of the Department of Corrections, and the Director of the Youth Authority; six members appointed by the Senate Rules Committee, two of whom shall be Members of the Senate; and six members appointed by the Speaker of the Assembly, two of whom shall be Members of the Assembly.

The appointing authorities shall consult in the selection of council members to insure that there is balanced representation on the council including representatives of the public concerned with the prevention and reduction of crime.

The appointees of the Governor shall include: a chief of police, a district attorney, a sheriff, a public defender, a representative of the Commission on Peace Officer Standards and Training, a faculty member of a college or university qualified in the field of criminology, police science, or law, and a person qualified in the general field of research, development, and systems technology. The Speaker and Senate Committee on Rules shall include among their appointments a representative of the Judicial Council, a judge, a representative of the cities and a representative of the counties.

CHAPTER 1387

An act to amend Section 5005 of the Public Utilities Code, relating to the Transportation Rate Fund.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 5005 of the Public Utilities Code is amended to read:

5005. All fees collected under this chapter; all fees charged and collected for copies of papers, records, transcripts of testimony, or other documents, the cost of which is charged to the Transportation Rate Fund; and all fees collected for the filing of applications pursuant to Sections 1064 and 1064.1 shall be deposited at least once a month in the State Treasury to the credit of the Transportation Rate Fund, which is continued in existence. The money in the fund shall be in augmentation of the current appropriation for the support of the commission, and shall be expended by the commission for the purpose of administering and enforcing the Highway Carriers' Act, the City Carriers' Act, the Motor Transportation Brokers Act, the Household Goods Carriers Act, and also for the purpose of administering and enforcing those provisions of Part 1 of Division 1 and other acts conferring upon the commission jurisdiction over the rates, charges, and classifications, and the rules and practices relating thereto, of carriers of property for compensation.

CHAPTER 1388

An act to amend Section 23754 of the Education Code, relating to state colleges.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 23754 of the Education Code is amended to read:

23754. Except as otherwise specially provided, an admission fee and rate of tuition fixed by the trustees shall be required of each nonresident student. The rate of tuition to be paid by each nonresident student shall not be less than three hundred sixty dollars ($360) per year, except that the rate of tuition to be paid by each nonresident student who is a citizen and resident of a foreign country shall be two hundred fifty-five dollars ($255) per year.

No admission fee or tuition fee shall be required of any student who is a citizen and resident of a foreign country and who attends a state college under an agreement entered into by a governmental agency formed under the Constitution or laws of this state or a nonprofit corporation or organization so formed, with a similar agency, or corporation or association, domiciled in and organized under the laws of a foreign country, where a principal purpose of the agreement is to encourage the exchange of students with the view of enhancing international good will and understanding The trustees shall, in each instance, determine whether the conditions for such exemption from fees exist and may prescribe appropriate procedures to be complied with in obtaining the exemption

No admission fee or tuition fee shall be required of any nonresident student who is a full-time employee of the California State Colleges or who is the child or spouse of an employee of the California State Colleges.

CHAPTER 1389

An act to amend Section 10751 of the Education Code, relating to pupil records, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 21, 1968 Filed with Secretary of State August 22, 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 preparation and distribution of junior college,

college and university student directories or with the furnishing of lists of names, addresses, and telephone numbers of junior college, college and university students to proprietors of off-campus housing. Such restrictions 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.

SEC. 2. 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 permit access to any written records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

(a) Either parent or a guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a guardian of such pupil if he is a minor.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) A state or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties.

(e) The State Superintendent of Public Instruction, or a member of his staff, or the county superintendent of schools of the county where the pupil attends, has attended, or intends to enroll, or a member of his staff.

Restrictions imposed by this act are not intended to interfere with the preparation and distribution of junior college, college and university student directories or with the furnishing of lists of names, addresses, and telephone numbers of junior college, college and university students to proprietors of campus housing. Such restrictions are not intended to interfere with the giving of information by school personnel con-

cerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information. Notwithstanding the restrictions imposed by this section, a governing board may, in its discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified by name in the information submitted for research, 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.

SEC. 3. It is the intent of the Legislature, if amendments to Section 10751 of the Education Code proposed by both this bill and Senate Bill 670 are enacted, that both amendments be given effect and incorporated in Section 10751 in the form set forth in Section 2 of this act. Therefore, in the event that Senate Bill 670 is enacted and amends Section 10751, Section 2 of this act shall become operative at the same time that Section 10751 as amended by Senate Bill 670 becomes operative, and at that time, Section 10751 of the Education 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 that students, beginning with the the 1968–1969 academic year, may become aware of college or university approved off-campus housing by the release of student information to proprietors of such housing, it is necessary that this act take effect immediately.

CHAPTER 1390

An act to amend Sections 3500, 3501, 3503, 3504, 3505, 3507, and 3508 of, and to add Sections 3501.5, 3505.1, 3505.2, 3505.3, 3510, and 3511 to, the Government Code, relating to public employee organizations.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 3500 of the Government Code is amended to read:

3500. It is the purpose of this chapter to promote full communication between public employers and their employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between public employers and public employee organizations. It is also the purpose of this chapter to promote the improvement of personnel management and employer-employee relations within the various public agencies in the State of California by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice and be represented by such organizations in their employment relationships with public agencies. Nothing contained herein shall be deemed to supersede the provisions of existing state law and the charters, ordinances, and rules of local public agencies which establish and regulate a merit or civil service system or which provide for other methods of administering employer-employee relations. This chapter is intended, instead, to strengthen merit, civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communication between employees and the public agencies by which they are employed.

SEC. 2. Section 3501 of the Government Code is amended to read:

3501. As used in this chapter:

(a) "Employee organization" means any organization which includes employees of a public agency and which has as one of its primary purposes representing such employees in their relations with that public agency.

(b) "Recognized employee organization" means an employee organization which has been formally acknowledged by the public agency as an employee organization that represents employees of the public agency.

(c) Except as otherwise provided in this subdivision, "public agency" means the State of California, every governmental subdivision, every district, every public and quasi-public corporation, every public agency and public service corporation and every town, city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not. As used in this chapter, "public agency" does not mean a school district or a county board of education or a county superintendent of schools or a personnel commission in a school district having a merit system as provided in Chapter 3 (commencing with Section 13580) of Division 10 of the Education Code.

(d) "Public employee" means any person employed by any public agency excepting those persons elected by popular vote or appointed to office by the Governor of this state.

(e) "Mediation" means effort by an impartial third party to assist in reconciling a dispute regarding wages, hours and other terms and conditions of employment between representatives of the public agency and the recognized employee organi-

zation or recognized employee organizations through interpretation, suggestion and advice.

SEC. 3. Section 3503 of the Government Code is amended to read:

3503. Recognized employee organizations shall have the right to represent their members in their employment relations with public agencies. Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership. Nothing in this section shall prohibit any employee from appearing in his own behalf in his employment relations with the public agency.

SEC. 4. Section 3504 of the Government Code is amended to read:

3504. The scope of representation shall include all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment, except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.

SEC. 5. Section 3504.5 is added to the Government Code, to read:

3504.5. Except in cases of emergency as provided in this section, the governing body of a public agency, and boards and commissions designated by law or by such governing body, shall give reasonable written notice to each recognized employee organization affected of any ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the governing body or such boards and commissions and shall give such recognized employee organization the opportunity to meet with the governing body or such boards and commissions.

In cases of emergency when the governing body or such boards and commissions determine that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, the governing body or such boards and commissions shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of such ordinance, rule, resolution, or regulation.

SEC. 6. Section 3505 of the Government Code is amended to read:

3505. The governing body of a public agency, or such boards, commissions, administrative officers or other representatives as may be properly designated by law or by such governing body, shall meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations, as defined in subdivision (b) of Section 3501, and shall consider fully such presentations as are made by the employee

organization on behalf of its members prior to arriving at a determination of policy or course of action.

"Meet and confer in good faith" means that a public agency, or such representatives as it may designate, and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation.

SEC. 7. Section 3505.1 is added to the Government Code, to read:

3505.1. If agreement is reached by the representatives of the public agency and a recognized employee organization or recognized employee organizations, they shall jointly prepare a written memorandum of such understanding, which shall not be binding, and present it to the governing body or its statutory representative for determination.

SEC. 8. Section 3505.2 is added to the Government Code, to read:

3505.2. If after a reasonable period of time, representatives of the public agency and the recognized employee organization fail to reach agreement, the public agency and the recognized employee organization or recognized employee organizations together may agree upon the appointment of a mediator mutually agreeable to the parties. Costs of mediation shall be divided one-half to the public agency and one-half to the recognized employee organization or recognized employee organizations.

SEC. 9. Section 3505.3 is added to the Government Code, to read:

3505.3. Public agencies shall allow a reasonable number of public agency employee representatives of recognized employee organizations reasonable time off without loss of compensation or other benefits when formally meeting and conferring with representatives of the public agency on matters within the scope of representation.

SEC. 10. Section 3507 of the Government Code is amended to read:

3507. A public agency may adopt reasonable rules and regulations after consultation in good faith with representatives of an employee organization or organizations for the administration of employer-employee relations under this chapter (commencing with Section 3500).

Such rules and regulations may include provisions for (a) verifying that an organization does in fact represent employees of the public agency (b) verifying the official status of employee organization officers and representatives (c) recognition of employee organizations (d) additional procedures for the resolution of disputes involving wages, hours and other terms and conditions of employment (e) access of employee organization officers and representatives to work locations (f) use of official bulletin boards and other means

of communication by employee organizations (g) furnishing nonconfidential information pertaining to employment relations to employee organizations (h) such other matters as are necessary to carry out the purposes of this chapter.

For employees in the state civil service, rules and regulations in accordance with this section may be adopted by the State Personnel Board.

SEC. 11. Section 3508 of the Government Code is amended to read:

3508. The governing body of a public agency may, in accordance with reasonable standards, designate positions or classes of positions which have duties consisting primarily of the enforcement of state laws or local ordinances, and may by resolution or ordinance adopted after a public hearing, limit or prohibit the right of employees in such positions or classes of positions to form, join or participate in employee organizations where it is in the public interest to do so; however, the governing body may not prohibit the right of its employees who are full-time "peace officers," as that term is defined in Section 817 of the Penal Code, to join or participate in employee organizations which are composed solely of such peace officers, which concern themselves solely and exclusively with the wages, hours, working conditions, welfare programs, and advancement of the academic and vocational training in furtherance of the police profession, and which are not subordinate to any other organization.

The right of employees to form, join and participate in the activities of employee organizations shall not be restricted by a public agency on any grounds other than those set forth in this section.

SEC. 12. Section 3510 is added to the Government Code, to read:

3510 The amendments made to this chapter by the act enacted at the 1968 Regular Session of the Legislature adding this section shall not be applicable to employees of the State of California.

SEC. 12.5. Section 3511 is added to the Government Code, to read:

3511. This chapter shall be known and may be cited as the "Meyers-Milias-Brown Act."

SEC 13. Sections 1 to 12, inclusive, of this act shall become operative on January 1, 1969.

CHAPTER 1391

An act to amend Sections 11002.1, 11901 and 11916 of, and to add Sections 11655.5 and 11724 to, the Health and Safety Code, relating to drugs.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 11002.1 of the Health and Safety Code is amended to read:

11002.1. The chief by rule may add new narcotics to those enumerated in Sections 11001 and 11002 after notice and hearing, in accordance with the Administrative Procedure Act, Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code; provided, however, that such rule shall be drafted in form of proposed narcotic law for submission to the next succeeding general session of the Legislature; and provided further, that no such rule shall remain in effect beyond 61 days after the final adjournment of that session of the Legislature.

SEC. 1.5. 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.

(d) Any other substance or preparation, which the Department of Public Health, after investigation, has found to have, and by regulation adopted pursuant to the Administrative Procedure Act designates as having, a potential for abuse because of its hallucinogenic effect; except that the department shall not designate under this subdivision any substance included in Section 11001 or 11002 of this code or Section 23004 of the Business and Professions Code The authority of the department to adopt regulations pursuant to this subdivision shall not be exercised except during those times when the Legislature is not meeting in regular session The department may, by regulation, exempt any hallucinogenic drug, other than those listed in subdivision (c), from the application of all or part of this division when it finds that regulation of such drug as provided in this division is not necessary for the protection of the public health. Substances or preparations

designated by regulations adopted pursuant to this subdivision shall be the same insofar as practicable as those designated as having a potential for abuse because of their hallucinogenic effect by the United States Department of Health, Education, and Welfare Any regulation adopted pursuant to this subdivision shall be drafted in the form of a proposed law for submission to the next succeeding regular session of the Legislature and shall not remain in effect beyond 61 days after the final adjournment of that session of the Legislature. Notwithstanding any other provision of law, any violation of Section 11910 which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment; any violation of any other provision of this division which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 2. Section 11916 of the Health and Safety Code is amended to read:

11916. The provisions of this chapter do not apply to the investigational use of any of the items listed in subdivision (c) or (d) of Section 11901 for research purposes by qualified experts having written authorization from the research committee of a hospital or from a faculty committee of no less than three members headed by the dean of a medical school. Nothing in this chapter authorizes the possession or furnishing by prescription of LSD or DMT, including their salts and derivatives, or any compounds, mixtures, or preparations which are chemically identical with such substances.

As used in this section, "hospital" means a hospital located in this state and approved for residency training in psychiatry by the American College of Psychiatry.

As used in this section, "medical school" means a medical school located in this state and approved by the Board of Medical Examiners of the State of California.

SEC. 3. Section 11916 of the Health and Safety Code is amended to read:

11916. The provisions of this chapter do not apply to the investigational use of any of the items listed in subdivision (c) or (d) of Section 11901 for research purposes by qualified experts having the approval of the Research Advisory Panel pursuant to Section 11655.5. Nothing in this chapter authorizes the possession or furnishing by prescription of LSD or DMT, including their salts and derivatives, or any compounds, mixtures, or preparations which are chemically identical with such substances.

SEC. 4. Section 11655.5 is added to the Health and Safety Code, to read:

11655.5. The Legislature finds that there is a need to encourage further research into the nature and effects of marijuana (Cannabis sativa) and hallucinogenic drugs and to coordinate research efforts on such subjects.

There shall be established a Research Advisory Panel which shall consist of a representative of the State Department of Public Health, a representative of the Department of Mental Hygiene, a representative of the State Board of Pharmacy, a representative of the Attorney General, a representative of the University of California, and a representative of a private university in this state. The Governor shall annually designate the private university represented on the panel. Members of the panel shall be appointed by the heads of the entities to be represented, and they shall serve at the pleasure of the appointing power.

The panel may hold hearings on, and in other ways study, research projects concerning marijuana (Cannabis sativa) or hallucinogenic drugs in this state. Members of the panel shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties.

The panel may approve research projects into the nature and effects of marijuana (Cannabis sativa) or hallucinogenic drugs, and shall inform the Chief of the Bureau of Narcotic Enforcement of the head of such approved research projects which are entitled to receive quantities of marijuana (Cannabis sativa) pursuant to Section 11655.

The panel may withdraw approval of a research project at any time, and when approval is withdrawn shall notify the head of the research project to return any quantities of marijuana (Cannabis sativa) or hallucinogenic drugs to the Chief of the Bureau of Narcotic Enforcement.

The panel shall report annually to the Legislature and the Governor those research projects approved by the panel, the nature of each research project, and, where available, the conclusions of the research project.

SEC. 4.5. Section 11724 is added to the Health and Safety Code, to read:

11724. The fact that a person is or has been or is suspected of being, a user of marijuana is not alone sufficient grounds upon which to invoke Section 11722 or 11723.

This section shall not be construed to limit the discretion of a judge to invoke Section 11722 or 11723 if the court has reason to believe a person is or has been a user of narcotics or drugs other than marijuana.

SEC. 5. Sections 3 and 4 of this act shall become operative only if Assembly Bill No. 194 is enacted by the Legislature at its 1968 Regular Session and, as enacted, adds Section 11655.5 to the Health and Safety Code, and in such case at the same

time as the added Section 11655.5, as contained in Assembly Bill No. 194, becomes operative, at which time Section 11916 of the Health and Safety Code, as amended by Section 2 of this act, and Section 11655.5 as added by Assembly Bill No. 194 are repealed.

CHAPTER 1392

An act to add Chapter 7 (commencing with Section 33701) to Part 1 of Division 24 of the Health and Safety Code, relating to community redevelopment.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Chapter 7 (commencing with Section 33701) is added to Part 1 of Division 24 of the Health and Safety Code, to read:

CHAPTER 7. SPECIAL HOUSING AND RENEWAL

33701. Unless the context otherwise requires, the definitions contained in this chapter govern the construction of this chapter.

33702. (a) "Commission" means a planning commission organized pursuant to law or city charter.

(b) "Legislative body" means the city council, board of supervisors, or other legislative body of a community

(c) "Renewal area agency" means a renewal area agency formed pursuant to this chapter.

(d) "Actual cost" means (1) the cost of the land and buildings, (2) charges, including reasonable attorney fees, for the formation of a renewal area agency, for the reasonable costs of preparing a preliminary general plan and for financing and supervision, and (3) carrying charges during construction, including interest on borrowed money and invested capital, when such charges have been approved by the commission.

(e) "Fixed charges" include all operating and maintenance charges, taxes, assessments, insurance and depreciation, amortization, interest, sinking fund, and other expenses and charges approved by the legislative body.

(f) "Bond" means any bonds, notes, interim certificates, debentures, or other obligations issued by a renewal area agency pursuant to Section 33732.

(g) "Renewal area" means any area of real property a substantial part of which is occupied by deteriorated, obsolete, substandard, unsafe or unsanitary structures or other improvements. A renewal area shall not be less than three acres nor more than 30 acres except upon approval of the commission, which shall not approve an area in excess of five additional

acres; provided, however, that in a city, a county, or city and county with a population in excess of 1,000.000 persons, a renewal area shall not exceed 100 acres except upon approval of the commission, which shall not approve an area in excess of 25 additional acres.

(h) "Low-income housing" means housing for persons of low income as that term is defined from time to time by a local public agency.

(i) "Middle-income housing" means housing for persons of middle income as that term is defined from time to time by a local public agency.

(j) "Normal-market housing" means housing for persons other than those of low and middle income.

(k) "Local public agency" means a housing authority created under the Housing Authorities Law of this state, Chapter 1 (commencing with Section 34200) of Part 2 of this division; or in a city or county wherein a housing authority is not functioning, an agency designated by the legislative body thereof.

33703. The Legislature has found and declared herein that deteriorated, obsolete, substandard, unsafe or unsanitary housing conditions in the urban areas of this state are a menace to the health, safety, morals, welfare and reasonable comfort of the residents of such areas and the residents of this state. The Legislature further finds and declares that the participation by the property owners and persons residing in renewal areas in their rebuilding and rehabilitation is desirable to the extent that is feasible and practicable without jeopardizing the success of proposals to rebuild and rehabilitate the renewal areas. It is further found and declared that the above conditions necessitate the formation of renewal area agencies empowered to initiate and carry out plans for the rebuilding and rehabilitation of renewal areas, that the public interest requires the formation of such renewal area agencies in order to facilitate the execution of such plans by the cooperative efforts of persons owning property or residing in such areas, that such rebuilding and rehabilitation, financed in part by the issuance of tax-exempt bonds and in part by minimum use of public funds are essential to provide low-income, middle-income and normal-market housing together with small commercial establishments in a number sufficient to serve those persons who reside within or a reasonable distance of the renewal area, and that such rebuilding and rehabilitation are public uses and purposes and governmental functions of state concern. It is further found and declared that the correction of the above housing conditions is a public necessity and that the acquisition of property within the renewal area to permit the rebuilding and rehabilitation thereof is a public use within the meaning of the laws relating to proceedings in eminent domain. As a matter of legislative determination, it is hereby found and declared that the property and bonds of a renewal area agency formed in accordance with the provisions of this

chapter are of such character as shall be exempt from taxation.

The purposes of this chapter are to provide persons in renewal areas of this state with a mechanism, the renewal area agency, through which they can initiate, plan, finance and carry out the rebuilding or rehabilitation of such areas; to reduce or eliminate the need for the acquisition of property by the renewal area agency by enabling it to act as agent of the property owners and persons residing in the renewal area; to encourage persons in such areas voluntarily to engage in a cooperative effort based on self-help, with a minimum use of public funds, the objective of which is to improve the quality of urban life for themselves and their neighbors; and to enlist the capital and technological resources of the private sector in meeting that objective.

33704. (a) A renewal area shall be designated as such only upon a verified petition addressed to the legislative body and signed by not less than 20 percent of those persons who reside within the boundaries of such renewal area. Such petition shall describe the boundaries proposed by petitioners, and it shall contain the names and addresses of all those persons signing the petition, any two of whom shall be designated as acting chairman and acting vice chairman.

(b) Registration as a voter within a renewal area for a period of at least 126 days preceding execution of the petition described in subdivision (a) shall be conclusive evidence of residence in the renewal area.

(c) The payment by any person of rent or for water, gas, electricity or telephone services arising out of his occupancy of real property within the renewal area for a period of 234 days preceding execution of the petition described in subdivision (a) shall be prima facie evidence of residence within the renewal area.

33705. Upon the receipt of such a petition by the legislative body, it shall immediately refer the petition to the commission for study. Study by the commission shall be made expeditiously and with the participation in the study of petitioners, and a report of the study shall be made to the legislative body. Such report shall show all the following:

(a) The boundaries of the proposed renewal area.

(b) The number and type of deteriorated, obsolete, unsafe or unsanitary single or multiple buildings, and which, if any, are recommended for rehabilitation or removal.

(c) A preliminary general plan for the rehabilitation and renewal of the area in conformity with the master plan of the community.

(d) The number of single persons and families residing within the area.

33706. The legislative body may, upon receipt of such report from the commission, approve the formation of a renewal area agency for the renewal area in accordance with this chapter if the legislative body finds and adopts a resolu-

tion stating that the provisions of this chapter for formation have been complied with, that a substantial part of the area included within the boundaries of the proposed renewal area is occupied by deteriorated, obsolete, substandard, unsafe or unsanitary structures or other improvements, and that all the property within the boundaries of the proposed renewal area must be included within the renewal area to accomplish the purposes of this chapter. The renewal area agency shall be deemed created and authorized to exercise its powers, functions and responsibilities from and after the date of recordation of a certified copy of the resolution in the office of the county recorder in the county in which the real property is located.

33707. In any proceeding involving the validity or enforcement of or relating to any contract of a renewal area agency, the renewal area agency is conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution by the legislative body pursuant to Section 33706. The resolution is sufficient if it finds in substantially the terms of Section 33706 that all the conditions set forth in that section exist in the renewal area. A copy of the resolution duly certified by the clerk is admissible in evidence in any proceeding.

33708. A renewal area agency for a renewal area may be formed pursuant to this chapter for the purpose of providing low-income, middle-income and normal-market housing, including single- or multiple-family dwellings, and sufficient commercial establishments to serve persons living within a reasonable distance of the renewal area, and for the purpose of rebuilding or rehabilitating a renewal area to maintain its neighborhood character. An undertaking of a renewal area agency pursuant to the provisions of this chapter shall be treated for all purposes as though it were a redevelopment project as that term is defined in Section 33010.

33709. A renewal area agency is a public agency of the state. The business and affairs of every renewal area agency shall be controlled by a board of not more than 15 directors, two-thirds of whom shall be persons residing within the boundaries of the renewal area. Residence within the boundaries of a renewal area shall be determined in accordance with the provisions of subdivisions (b) and (c) of Section 33704.

Such directors shall be elected for a term of three years at a public meeting called for that purpose upon written notice to all those persons registered to vote and all persons owning real property within the renewal area on the date of the notice at least 15 days prior to such public meeting. The notice shall be signed by the acting chairman and the acting vice chairman and sent by one or both of them to such registered voters and real property owners. The notice provided for in this section shall be sent by certified mail with a return receipt requested. Candidates for election to the board of directors shall be nominated by a petition in writing signed by three or more persons qualified to vote at such election and

filed with the acting chairman or acting vice chairman not more than 20 days after the petition provided for in Section 33704 is filed with the legislative body. The names of those so nominated shall appear in the notice of election provided for in this section. The acting chairman or, in his absence, the acting vice chairman, shall conduct the public meeting provided for in this section. The 15 persons receiving the highest number of votes at such election shall be declared elected, and there shall be no cumulative voting. Their terms of office shall be for three years. Thereafter, the board of directors shall elect its chairman and such other officers as it may deem necessary. All voting provided for in this section shall be by secret ballot.

When any office of director becomes vacant for any reason other than the expiration of his term, the remaining directors shall appoint a person to fill the vacancy to serve for the remainder of the unexpired term.

Vacancies in the board of directors as a result of the expiration of their terms shall be filled by election at a public meeting called by the chairman of the board of directors six months prior to the expiration of such terms. Candidates for election to the board of directors shall be nominated by petition in writing signed by three or more persons qualified to vote at such election, and filed with the chairman not more than 60 days after the election is called. Such election shall thereafter be noticed, held, and conducted by the chairman and vice chairman of the board pursuant to the provisions of this section.

33710. None of the earnings or profits of the renewal area agency shall inure or be paid to any private individual, and the renewal area agency shall only issue bonds which qualify for tax exempt status under the laws of the United States and the State of California.

33711. Upon completion of all requirements incident to the formation of the renewal area agency, it may:

(a) Sue and be sued.

(b) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(c) Make, amend, and repeal rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the renewal area agency.

33712. Upon completion of all requirements incident to the formation of the renewal area agency, its board of directors may make agreements with such agencies of the local or state government, or agencies of the United States, as may be necessary to assist it in further developing the preliminary general plan described in subdivision (c) of Section 33705, and to advise it as to the economic feasibility of such plan, and it may also make agreements with qualified private concerns for such purpose. The reasonable charges therefor, if any, shall be paid by the renewal area agency.

33713. (a) The renewal area agency may invite persons or combinations of companies specializing in urban economics and

design, architecture, construction, housing, and commercial development to submit proposals to rebuild or rehabilitate all or any part of the renewal area using new techniques and technology to the end that the same may enable the project to be carried out at low cost.

(b) Such proposals may be submitted without regard to local building codes applicable to construction within a renewal area, and, upon a showing satisfactory to it that the construction proposed may be accomplished consistently with such standards of strength, effectiveness, fire resistance, durability and safety, as the legislative body determines are reasonably necessary for the protection of the health and safety of the occupants, the legislative body, by ordinance, may, for a period long enough to complete construction within the renewal area, suspend those provisions of the local building codes which are inconsistent with the proposal or proposals submitted in accordance with subdivision (a) of this section and more restrictive than minimum state standards.

33714. A renewal area agency may:

(a) Lease or rent any dwellings, houses, accommodations, lands, buildings, structures, or facilities embraced in any renewal area.

(b) Own, hold, and improve real or personal property.

(c) Purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest in property.

(d) Sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest in it.

(e) Insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards.

33715. The renewal area agency may make agreements with an agency of the local or state government, or an agency of the United States, for the payment by such agency of loans by persons owning property within the renewal area if such loans are secured by liens on such property.

33716. (a) The owners of rebuilt or rehabilitated residential property within the renewal area may do any of the following:

(1) Occupy all or a part of such property themselves;

(2) Lease all or a part of such property to third persons;

(3) Lease all or a part of such property to a local public agency for sublease by it to persons qualifying for occupancy of low or middle income housing.

(b) The owners of rebuilt or rehabilitated commercial property within the renewal area may do any of the following:

(1) Occupy all or a part of such property themselves;

(2) Lease all or a part of such property to third persons.

(c) (1) Owners who choose to occupy their property under the provisions of paragraph (1) of subdivision (a) or paragraph (1) of subdivision (b) of this section shall, for the period necessary to amortize the bonds issued pursuant to the

provisions of Section 33732, make monthly payments in lieu of rental thereon to the renewal area agency. Such payments shall be determined by dividing the fair rental value for all of such property after its construction or rehabilitation by the percentage of such property occupied by the owner of the property.

(2) Owners who choose to lease their property under the provisions of paragraph (2) of subdivision (a), or paragraph (2) of subdivision (b) of this section, shall, from the rental received therefrom during the period necessary to amortize the bonds issued pursuant to the provisions of Section 33732, pay to the renewal area agency such amount as will provide the owner of the property a fair rate of return over that period.

(3) Owners who choose to lease their property under the provisions of paragraph (3) of subdivision (a) of this section shall be paid as rent on such property not more than an amount equal to a fair rate of return over the period necessary to amortize the bonds issued pursuant to the provisions of Section 33732. During such period, 90 percent of the moneys paid to the local public agency for the rental of such property shall be pledged to the repayment of such bonds in the event of any default in the payment to the holders of the bonds of principal of, or interest on, the bonds, provided, however, that if no such default occurs, such moneys shall be subject to such disposition as the legislative body may determine.

(d) Subject to approval of the legislative body, a fair rental value for all property within the renewal area shall be determined by a local public agency as of the date of the application made pursuant to the provisions of Section 33717. "Fair rental value," as used in this section, means the amount for which the property was, or in good faith could have been, rented on such date by a willing owner to a willing tenant as the result of an arm's length agreement. Fair rental value for structures proposed for property having no improvements thereon at the time of said application shall not exceed the fair rental value of comparable unimproved property elsewhere within the renewal area. For a period of not to exceed 10 years from the date of completion of construction or rehabilitation of property within the renewal area, the fair rental value of all property within such area may be increased by 6 percent of such fair rental value in each year of such 10-year period.

(e) "Fair return," as used in this section, means the amount each owner would have received on his property in its condition on the date of the application made pursuant to the provisions of Section 33717, and such fair return shall not exceed an average of 8 percent per year of the fair market value of the property in such condition over the period necessary to amortize the bonds issued pursuant to the provisions of Section 33732. In determining a fair return to each owner, all pertinent factors shall be considered including, but without be-

ing limited to, the discounted cash flow that will be received by him from property within the renewal area which is newly constructed or rehabilitated. The discounted cash flow shall include an estimate of the capitalized value of such property at the end of the period necessary to amortize the bonds issued pursuant to the provisions of Section 33732

(f) "Discounted cash flow," as used in this section, means the value of the year-to-year cash flow available to the owner of the newly constructed or rehabilitated property because of his investment in that property. Such value shall be determined by discounting annually the cash flow available to him by a compound interest factor of 8 percent back to the first year in which such new construction or rehabilitation occurred.

(g) Except as otherwise provided therein, all amounts paid to the renewal area agency under the provisions of paragraphs (1), (2) and (3) of subdivision (c) of this section shall be applied by it to the amortization of the bonds issued pursuant to the provisions of Section 33732.

(h) Nothing in this section shall be construed as a prohibition against sale or conveyance of his property by an owner or owners thereof.

33717. Upon completion by the renewal area agency of specific plans for the rehabilitation and renewal of the renewal area, it shall, by verified application, apply to the commission for approval of such plans. Such application shall be submitted to the commission within nine months from the date the resolution provided for in Section 33706 has been adopted by the legislative body, except that, for good cause shown by the renewal area agency, the commission may allow an additional period of six months within which such application may be submitted to it. If such application is not submitted within the time specified in this section, or such period as it may be extended as provided for herein, the renewal area agency shall be deemed dissolved and the project planned by it shall be deemed abandoned. The commission shall not approve such plans unless they show all the following:

(a) The exact boundaries of the renewal area.

(b) The number and type of buildings to be rehabilitated or removed.

(c) The number of single persons and families who have indicated they have requested temporary or permanent relocation housing and that such housing is available to them at a fair rental value.

(d) Site development with plans, elevations, design and perspective of the housing and commercial construction proposed.

(e) Specifications and estimates of the cost of carrying out such plans.

(f) A reasonable scheme of protective restrictions and of permanent maintenance of neighborhood design and architectural control.

(g) A practicable method of financing the cost of carrying out the plans by issuing the bonds described in Section 33732

or evidence in writing that such bonds, when issued, will be guaranteed by an agency of the United States or the State of California, or both.

(h) The number of persons who have made agreements with the renewal area agency to lease their property within the renewal area to a local public agency and the amount of money necessary to make payments of the rental under such agreements.

(i) The number of persons who have made agreements with the renewal area agency to make payments to it in lieu of rental and other charges.

(j) The assessed value of all real property within the renewal area as of the date of the application pursuant to this section.

(k) The fair rental value of all residential and commercial property within the renewal area of the date of the application pursuant to this section.

(*l*) Consent to the application in writing from 60 percent or more of those persons owning real property within the renewal area. Ownership of real property shall be determined on the basis of the last equalized assessment roll of the city or city and county wherein the renewal area is located, provided, however, that persons purchasing real property within the renewal area between the date of such last equalized assessment roll and the date of the petition provided for in Section 33704 shall be included in determining whether 60 percent or more of those persons owning real property within the renewal area have consented to the application provided for in this subdivision.

(m) The election of directors provided for in Section 33709 was duly held pursuant to notice of the election, and no proceedings are pending for the removal of any director so elected on the ground that notice was not given as provided for in Section 33709.

(n) That notice in writing has been sent to all registered voters and persons owning real property within the renewal area. Such notice shall be sent by certified mail with a return receipt requested, and it shall specify the date, time and place for a hearing on the application before the commission.

33718. In approving plans submitted in accordance with Section 33717, the commission, in giving or withholding its approval of plans, shall give due consideration to the need estimated to exist at the time of completion of the project for low-income, middle-income and normal-market housing, and it shall also give due consideration to the need for small commercial establishments necessary to serve the needs of the neighborhood, the importance of play and park spaces within the area, the preservation of neighborhood characteristics and the need for light, air and open space between low and medium rise housing and other structures In a city or city and county which has enacted an ordinance the effect of which is to encourage the inclusion of these features in residential areas

by a bonus system based on floor area ratios, the commission may apply its provisions to the plans submitted pursuant to Section 33717.

33719. When the commission has approved a project of a renewal area agency formed under this chapter, the renewal area agency may acquire the property necessary for the project by gift, bequest, purchase, lease, or eminent domain, provided, however, that if the renewal area agency acquires the property by lease, the term of the lease shall not exceed the period necessary to amortize bonds issued or repay indebtedness incurred by the renewal area agency.

33720. The power of eminent domain shall not be exercised by the renewal area agency without the specific authority of the legislative body.

33721. The authorization shall be contained in a certificate of the legislative body specifying that after public hearing, it has determined that the acquisition of the property by eminent domain and the construction of the housing on the property is in the public interest and necessary for the public use.

33722. The hearing shall be held at a time and place appointed by the legislative body. At least 10 days prior to the hearing the legislative body shall give notice of the hearing by publication in a newspaper designated by the legislative body and published or circulated in the city or county where the property is located.

33723. A duly certified copy of the certificate of the legislative body is conclusive evidence of the matters certified in it in any proceeding in eminent domain to acquire property or any part of it set forth in the certificate.

33724. All property of the renewal area agency, and all property of persons participating in the rebuilding or rehabilitation of the renewal area or who derive any benefit from the rebuilding or rehabilitation, shall be sold, transferred, leased, purchased, acquired, administered and managed without discrimination on account of race, color, creed or national origin.

33725. Without the prior consent of the legislative body, a renewal area agency shall not mortgage or otherwise encumber real property, except in accordance with the provisions of this chapter.

33726. A renewal area agency shall not effect any reorganization, winding up, or dissolution unless authorized by the legislative body.

33727. A renewal area agency shall not voluntarily dissolve or transfer all or substantially all of its assets without first obtaining the consent of the legislative body.

33728. A renewal area agency shall not make any guaranty without the approval of the legislative body.

33729. Any purchase, conveyance, contract, encumbrance, lease, or sublease made in violation of this chapter is voidable, but only at the instance of a party to the transaction alleged to be in violation of this chapter. Any action brought under the

provisions of this section shall be barred unless filed within three years from the date of such transaction.

33730. The renewal area agency may:

(a) Borrow money from and mortgage, pledge or otherwise hypothecate its property to any bank or lending institution or any other corporation or agency established by the United States or the State of California.

(b) Comply with the provisions for membership and become a member of the Federal Home Loan Bank or of any other corporation or agency established by the United States or the State of California.

(c) Comply with any regulations of the Department of Housing and Urban Development.

33731. Upon approval of the plans submitted in accordance with Section 33717, the commission shall forward a report of the approval to the legislative body with its recommendations. The legislative body may approve or reject the report and recommendations, and it may impose further conditions. If the legislative body is considering the report and recommendations pertaining to the plans for more than one renewal area, it may assign a priority to each of such separate plans or otherwise provide for the execution of such plans at different times, provided however that it shall not approve a plan for a renewal area within the boundaries of an area previously approved by the commission as a redevelopment project area, except with the consent of the redevelopment agency, as defined in Section 33003.

33732. Upon the approval of the plans by the legislative body, it may authorize the issuance of bonds by the renewal area agency to finance the actual cost thereof in accordance with the following provisions, but subject to any other provisions of this chapter which may be inconsistent with this section:

(a) A renewal area agency may issue bonds for any of its corporate purposes. It may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it.

(b) A renewal area agency may issue such types of bonds as it determines, including bonds on which the principal and interest are payable:

(i) Exclusively from the income and revenues of the renewal area project financed with the proceeds of the bonds, or with such proceeds together with a grant from the federal government in aid of the project.

(ii) Exclusively from the income and revenues of certain designated renewal area projects whether or not they were financed in whole or in part with the proceeds of the bonds.

(iii) From its revenues generally.

(c) Any of the bonds may be additionally secured by a pledge of any revenues or a mortgage of any renewal area project or other property of the renewal area agency.

(d) Neither the director of a renewal area agency nor any person executing the bonds is liable personally on the bonds by reason of their issuance. The bonds and other obligations of a renewal area agency are not debts of the city, county, state, or any of its political subdivisions and neither are they liable on the bonds; and the bonds shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation.

(e) By resolution, a renewal area agency may authorize bonds. The resolution, its trust indenture, or mortgage may provide for:

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

(ii) The date the bonds shall bear.

(iii) The date of maturity.

(iv) The interest rate.

(v) The denomination of the bonds.

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

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

(viii) The rank or priority of the bonds.

(ix) The manner of execution of the bonds.

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

(xi) The place of payment.

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

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

(g) If any renewal area agency officer whose signature appears on bonds or coupons ceases to be an officer before delivery of the bonds, his signature is as effective as if he had remained in office. Bonds issued pursuant to this chapter are fully negotiable.

(h) In any proceedings involving the validity or enforceability of any bond or its security, any such bond reciting in substance that it has been issued by the renewal area agency to aid in financing a renewal area project to provide housing and establishments as described in Section 33708 is conclusively deemed to have been issued for a renewal area project of such character and such project is conclusively deemed to have been planned, located, and constructed pursuant to this chapter.

(i) In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of the bonds or obligations, a renewal area agency has the powers conferred by subdivisions (i) to (o), inclusive.

(j) A renewal area agency may:

(i) Pledge all or any part of its gross or net rents, fees, or revenues to which its right then exists or may thereafter come into existence.

(ii) Mortgage all or any part of its real or personal property then owned or thereafter acquired.

(k) A renewal area agency may:

(i) Covenant against pledging all or part of its rents, fees, and revenues, against mortgaging all or part of its real or personal property, to which its right or title then exists or may thereafter come into existence, or against permitting or suffering any lien on such revenues or property.

(ii) Covenant with respect to limitations on its right to sell, lease, or otherwise dispose of all or part of any renewal area project.

(iii) Covenant as to what other or additional debts or obligations may be incurred by it.

(iv) Covenant as to the bonds to be issued, as to their issuance in escrow or otherwise, and as to the use and disposition of the bond proceeds.

(v) Provide for the replacement of lost, destroyed, or mutilated bonds.

(vi) Covenant against extending the time for the payment of its bonds or interest on them.

(vii) Redeem the bonds, covenant for their redemption, and provide the redemption terms and conditions.

(*l*) A renewal area agency may:

(i) Covenant as to the rents and fees to be charged in the operation of a renewal area project, the amount to be raised each year or other period of time by rents, fees, and other revenue, and as to their use and disposition

(ii) Create or authorize the creation of special funds for money held for construction or operating costs, debt service, reserves, or other purposes, and covenant as to the use and disposition of the money held in the funds.

(m) A renewal area agency may prescribe procedure by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds whose holders are required to consent, and the manner in which consent may be given.

(n) A renewal area agency may:

(i) Covenant as to the use of any or all of its real or personal property.

(ii) Covenant as to the maintenance of its real and personal property, its replacement, the insurance to be carried on it, and the use and disposition of insurance money.

(iii) Covenant as to the rights, liabilities, powers, and duties arising upon the breach by it of any covenant, condition, or obligation.

(iv) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity, and

as to the terms and conditions upon which such declaration and its consequences may be waived.

(o) A renewal area agency may:

(i) Vest in a trustee or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds

(ii) Vest in a trustee the right, in the event of a default by the renewal area agency, to take possession and use, operate, and manage all or part of any renewal area project, to collect the rents and revenues arising from it, and to dispose of the money pursuant to the agreement of the renewal area agency with the trustee.

(iii) Provide for the powers and duties of a trustee and limit his liabilities.

(iv) Provide the terms and conditions upon which the trustee or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(p) A renewal area agency may exercise all or any part or combination of the powers granted in subdivisions (i) to (n), inclusive, and make covenants other than the covenants expressly authorized in such sections, of like or different character. A renewal area agency may make covenants and do any and all acts and things necessary, convenient, or desirable to secure its bonds, or which will tend to make them more marketable notwithstanding that such covenants, acts, or things are not enumerated in this chapter.

(q) A renewal area agency may submit to the Attorney General any bonds to be issued pursuant to this chapter after all proceedings for their issuance have been taken. Upon such submission the Attorney General shall examine into and pass upon the validity of the bonds and the regularity of all proceedings in connection with them. If the proceedings conform to this chapter and are otherwise regular in form and if the bonds when delivered and paid for will constitute binding and legal obligations of the renewal area agency enforceable according to their terms, the Attorney General shall certify in substance upon the back of each bond that it is issued in accordance with the Constitution and state laws.

(r) Subject only to any contractual restrictions binding upon him, an obligee may:

(i) By proper proceeding compel the renewal area agency and its officers, agents, or employees to perform each and every provision contained in any contract of the renewal area agency with or for his benefit, and require the carrying out of any or all the covenants and agreements of the renewal area agency and the fulfillment of all duties imposed upon it by this chapter.

(ii) By proper proceeding enjoin any acts or things which may be unlawful, or the violation of any of his rights by the renewal area agency.

(s) By its resolution, trust indenture, mortgage, lease, or other contract a renewal area agency may confer upon any obligee holding or representing a specified amount in bonds, or holding a lease, the following rights to be exercised upon the happening of an event of default defined in the resolution or instrument, by proceeding in any court of competent jurisdiction:

(i) To cause possession of all or part of any renewal area project to be surrendered to him.

(ii) To obtain the appointment of a receiver of all or part of any renewal area project and of the rents and profits from it. If the receiver is appointed, he may enter and take possession of the renewal area project or the part of it, operate and maintain it, collect and receive all fees, rents, revenues, or other charges thereafter arising from it, and keep such money in a separate account and apply it pursuant to the obligations of the renewal area agency as the court directs.

(iii) To require the renewal area agency and its directors to account as if it and they were the trustees of an express trust.

Nothing in this subdivision relieves any person from any duty of exercising reasonable care in selecting securities.

(t) Notwithstanding any restrictions on investments contained in any laws of this state, the state, all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds issued by a renewal area agency pursuant to this chapter, or issued by any public housing authority or agency in the United States, when such bonds or other obligations are secured by a pledge of annual contributions to be paid by the United States government or any agency thereof, and such bonds shall be authorized security for all public deposits.

(u) It is the purpose of subdivision (t) to authorize any person, political subdivision, body, or officer, public or private, to use any funds owned or controlled by him or it, including sinking, insurance, investment retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations.

(v) Insofar as the provisions of subdivisions (t) and (u) are inconsistent with the provisions of any other law, the provisions of such subdivisions are controlling.

33733. A renewal area agency formed pursuant to the provisions of this chapter shall not issue bonds in an aggregate amount greater than the actual cost of carrying out the plans, plus fixed charges, during the period necessary to completely

carry out the plans, and an allowance of 10 percent of the estimated cost of carrying out the plans for working capital.

33734. (a) Each authorized issue of bonds shall relate to the particular renewal area for which the renewal area agency is formed. The face amount, maturities and interest payable on bonds issued pursuant to this chapter, shall be sufficient, when considered with other amounts payable to or by the renewal area agency, to finance the actual cost of carrying out the plans for the renewal area and the fixed charges attributable to carrying out such plans.

(b) During the period necessary to amortize the bonds issued pursuant to the provisions of Section 33732, persons owning real property within the renewal area shall pay to the renewal area agency each year during such period, an amount equal to 5 percent of the assessed value of such real property, if such persons have not (i) given their consent to the application provided for in Section 33717, and (ii) the improvements on such real property are found by the legislative body to be deteriorated. obsolete, substandard, unsafe or unsanitary.

(c) Payments made to the renewal area agency under subdivision (b) of this section shall be pledged to and used for the repayment of indebtedness incurred in financing the cost of carrying out construction and rehabilitation of other real property within the renewal area.

33735. Any agency of the State of California or of the United States, if otherwise authorized by law and in accordance with the provisions of such law, may guarantee the payment of bonds authorized pursuant to this chapter.

33736. Subject to approval of the legislative body, property taxes on all real property within the renewal area may be divided between the assessment base of such property prior to approval of the plans pursuant to this chapter and the increase in the assessment base attributable to the increase in the value of such real property by reason of the rehabilitation and renewal of such real property, and all property taxes on any such increase in the assessed valuation may be pledged to the repayment of indebtedness incurred in financing the cost of carrying out such rehabilitation and renewal.

33737. During the period necessary to carry out the plans for the rebuilding and rehabilitation of a renewal area and after the approval of such plans in accordance with the provisions of Section 33731, the renewal area agency formed to carry out such plans may accept, and persons owning real property within such renewal area may make, conveyances of real property to the renewal area agency pursuant to this section. Each such conveyance shall contain a provision that title to the property so conveyed shall revert to the grantor within two years from the date of such conveyance. Each such conveyance shall be made to or accepted by the renewal area agency only upon evidence satisfactory to it that construction or rehabilitation

of the real property so conveyed shall be completed within a period of two years or less from the date of such conveyance.

33737.5. No conveyance under Section 33737 shall be valid unless the renewal area agency records the deed with the county recorder in the county in which the real property is located. The deed shall contain the following information:

1. The name and address of the grantor conveying the property.

2. A legal description of the real property conveyed.

3. A statement that title to the property conveyed shall revert to the grantor within two years of the conveyance.

4. Proof of the acceptance of the conveyance by the renewal area agency and the date of the acceptance.

33737.6. In each case where property reverts to a grantor pursuant to Section 33737, the renewal area agency shall record a certificate with the county in which the property is located. The certificate shall contain the following information:

(1) The name and address of the grantor.

(2) A legal description of the real property.

(3) A statement that title to the property has reverted to the grantor.

(4) Proof by the renewal area agency that the property has reverted to the grantor. The grantor has the right to compel the renewal area agency to record such certificate by any appropriate civil action.

33738. If any section or part of any section of this chapter is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter or any section or part of any section of this chapter.

CHAPTER 1393

An act to amend Sections 12301 and 12302 of the Penal Code, and to repeal Section 1441 of the Public Resources Code, relating to ammunition.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 12301 of the Penal Code is amended to read:

12301. The term "destructive device," as used in this chapter, shall include the following weapons:

(1) Any projectile containing any explosive or incendiary material or any other chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns;

(2) Any bomb, grenade, missile, or similar device or any launching device therefor;

(3) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun or shotgun ammunition.

(4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than .60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device, except such devices as are designed primarily for emergency or distress signaling purposes.

SEC. 2. Section 12302 of the Penal Code is amended to read:

12302. Nothing in this chapter shall prohibit the sale to, purchase by, possession of, or use of destructive devices by:

(a) Any sheriff, constable, marshal, policeman, member of the California Highway Patrol, or other duly appointed peace officer, or full-time paid fireman, while on duty and acting within the scope and course of his employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of his employment.

SEC. 2.5. Section 12302 of the Penal Code is amended to read:

12302. Nothing in this chapter shall prohibit the sale to, purchase by, possession of, or use of destructive devices by:

(a) Any peace officer listed in Section 830.1 or 830.2, or any peace officer in the Department of Justice authorized by the Attorney General, while on duty and acting within the scope and course of his employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of his employment.

Nothing in this chapter shall prohibit the sale to, purchase by, possession by, or use by any person who is a regularly employed and paid officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, while on duty and acting within the scope and course of his employment, of any equipment used by such department or agency in the course of fire suppression.

SEC. 3. Section 4444 of the Public Resources Code is repealed.

SEC. 4. Section 2.5 of this act shall become operative only if Senate Bill No. 1178 is enacted by the Legislature at its 1968 session, and, as enacted, amends Section 12302 of the Penal Code and in such case at the same time as Senate Bill No. 1178 takes effect; at which time Section 12302 of the Penal Code, as amended by Section 2 of this act is repealed.

CHAPTER 1394

An act to amend Section 14253 of the Education Code, relating to death benefits under State Teachers' Retirement System.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 14253 of the Education Code is amended to read:

14253. Upon receipt of due proof of the death of any person, after retirement and while receiving a retirement allowance from this system, there shall be paid to such beneficiary as he has nominated by written designation duly filed with the Retirement Board, the sum of five hundred dollars ($500), to be provided from contributions of the state. From the death benefit provided in this section, there shall be deducted an amount equal to that portion of the benefit payable on account of said death by a local system or by the State Employees' Retirement System, regardless of whether before or after retirement under such local or state system, which is provided from contributions of the employer, independently of any optional election made by said person at the time of his retirement, under which he received a reduced retirement allowance and a benefit was provided at his death.

CHAPTER 1395

An act to add Part 14 (commencing with Section 16000) to Division 3 of Title 2 of the Government Code, and to add Section 215 to the Health and Safety Code, relating to environmental quality control, and making an appropriation therefor.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Part 14 (commencing with Section 16000) is added to Division 3 of Title 2 of the Government Code, to read:

PART 14. ENVIRONMENTAL QUALITY STUDY COUNCIL

CHAPTER 1. STATE POLICY

16000. The Legislature finds that:

(a) Rapid population growth, economic development and urbanization have affected the quality of California's natural environment.

(b) Improvement of the quality of California's physical environment consistent with the maximum benefit to the people of the state is a matter of statewide, regional, and local concern calling for coordinated public and private action in the interest of the health, safety, and welfare of present and future generations.

16001. An in-depth study is needed:

(a) To define the interrelationship of resources management, land use and transportation policies, and other matters, including noise emissions, that affect environmental quality.

(b) To determine whether existing approaches to the protection, management, and improvement of environmental quality are adequate for effective, long-range solutions to the problems.

(c) To recommend appropriate action necessary to effectively protect, manage, and improve environmental quality on a long-range basis.

CHAPTER 2. DEFINITIONS

16020. "Council" means the State Environmental Quality Study Council.

16021. "Environmental quality" means the characteristics or conditions and relative degree of excellence of the physical and biological constituents of man's surroundings.

16022. "Waste management" means the organized and systematic actions by which waste products are utilized, or collected, processed, and disposed without an unreasonable adverse effect upon man's environment.

CHAPTER 3. ORGANIZATION AND MEMBERSHIP OF THE COUNCIL

16050. There is in the state government the State Environmental Quality Study Council.

16051. The council consists of the following membership:

Secretary of the Resources Agency.

Secretary of the Business and Transportation Agency.

Chairman of the State Water Resources Control Board.

Chairman of the State Air Resources Board.

Seven public members appointed by the Governor, who shall have demonstrated interest in, and knowledge of, the protection, management, and improvement of the quality of California's physical environment. One of the seven public members appointed by the Governor, in addition to the qualifications specified in this section, shall represent the solid waste management industry and one of the seven public members appointed by the Governor shall represent city and county government, as selected from the city and county members on the Intergovernmental Council on Urban Growth.

Four members, two of whom shall be appointed by the Speaker of the Assembly, and two by the Senate Rules Committee.

16052. In addition to the members specified pursuant to Section 16051, the council consists of the following nonvoting ex officio membership:

Director of Public Health
Director of Agriculture
Director of Parks and Recreation
Director of Fish and Game
Director of Conservation
Director of Public Works
Director of Water Resources
Director of Housing and Community Development
City and county members of the Intergovernmental Council on Urban Growth

16053. The Governor shall designate the chairman of the council.

16054. The council shall cease to exist upon the adjournment sine die of the 1971 Regular Session of Legislature.

16055. The council shall make progress reports to the Governor and to the Legislature on February 1, 1969, and on February 1, 1970; and shall make a final report to the Governor and to the Legislature on February 1, 1971, at which time the council shall make recommendations as to how its powers and duties can best be carried out in the future.

CHAPTER 4. POWERS AND DUTIES OF THE COUNCIL

16080. The council shall:

(a) Make a thorough study of relevant policies, practices, and programs in the state that relate significantly to environmental quality.

(b) Identify major environmental quality problems, giving consideration to all of the possible interrelationships between the degradation or improvement of air, land, and water resources.

(c) Develop long-range goals and make recommendations, after holding public hearings, as to policies, criteria, and programs as guides in the protection, management, and improvement of California's environmental quality.

(d) Identify problems in existing environmental quality control efforts in the state, including unmet or inadequately met needs, undesirable overlaps or conflicts in jurisdiction, between or among federal, state, regional, and local agencies, and any efforts that may be unnecessary or undesirable.

(e) Recommend, after holding public hearings, such legislative and administrative actions as may be necessary to establish goals, policies, and criteria and to implement programs that will effectively protect, manage, and improve environmental quality on a long-range basis.

(f) Review and make recommendations, after holding public hearings, on proper state, regional, or local governmental mechanisms, which would formulate broad policies, objectives

and criteria for the coordinated protection, management, and improvement of California's physical environment.

(g) Make recommendations for immediate action by state agencies as defined in Section 11000 of the Government Code which would effectively preserve and enhance California's natural environment.

16081. The council may:

(a) Appoint an executive secretary and other staff.

(b) Receive and disburse federal, state, or local funds.

(c) Contract for services.

(d) Hold public hearings.

(e) Appoint such advisory groups as may be necessary to carry out its powers and duties.

(f) Call upon any state agency for assistance in carrying out its objectives.

SEC. 2. Section 215 is added to the Health and Safety Code, to read:

215. The department shall, in conjunction with other appropriate state and local agencies and an advisory committee which the director shall appoint, including other affected interests, conduct a study of the solid waste problems and needs of the state. The objectives of the study shall be:

(a) To determine current policies, practices, and programs in the state concerning solid waste management.

(b) To assess and evaluate current solid waste problems in the state and to make realistic projections of future problems.

(c) To evaluate the existing state of the art and promising new developments as regards criteria, techniques, and methods for dealing with solid wastes.

The department shall make an interim report on this study to the State Environmental Quality Study Council on or before February 1, 1969, and a final report on or before February 1, 1970, together with appropriate recommendations. After review and evaluation the State Environmental Quality Study Council shall comment on, and forward, these reports to the Legislature within 30 days after their receipt.

"Waste management" means waste management as defined in Section 16022 of the Government Code.

SEC. 3. There is hereby appropriated from the General Fund to the State Environmental Quality Study Council the sum of twenty-five thousand dollars ($25,000) for expenditure without regard to fiscal years pursuant to the provisions of Part 14 (commencing with Section 1600), Division 3, Title 2 of the Government Code.

CHAPTER 1396

An act to add Article 6 (commencing with Section 11180) to Chapter 1 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Article 6 (commencing with Section 11180) is added to Chapter 1 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 6. Simplified Standard of Assistance

11180. It is the object and purpose of this article to establish a uniform and simplified method of computing the grant of assistance for aged, blind, and disabled persons who qualify for aid under Chapters 3, 4, 5 and 6 of this part to the end that the infirm and handicapped receive equitable and appropriate treatment in a manner which will offer such recipients an easily computed grant of assistance where the probability of changes in grant is reduced to a minimum.

The State Department of Social Welfare shall develop methods and plans which will carry out the purpose and objectives as stated in this section to the maximum extent possible.

11181. The State Department of Social Welfare shall take appropriate action to simplify the construction of the standard of assistance and thereby reduce the administrative costs of computing the amount of grant recipients are entitled to receive.

To the maximum extent possible and practical, the department may, in carrying out the provisions of this article, treat items of special need heretofore authorized under Sections 12151, 12651, 13101, and 13700, as items of common need to be incorporated into the appropriate basic allowance schedules when they are, in fact, items recognized as essential to normal modern living by generally accepted community standards, or as items constituting specialized social services or adjuncts thereto under the social service provisions of the appropriate titles of the Social Security Act.

When such special items are treated as social services, the state and counties shall share the nonfederal cost of such services as provided in the appropriate sections of Article 5 (commencing with Section 15200) of Chapter 9, Part 3 of Division 9 of this code. Every consideration shall be given by the department to reinvesting savings of state and county funds achieved by this method to improve aid grants in the affected categories.

11182. It is not the purpose of this article to reduce the amount of aid that is payable pursuant to the provisions of

Sections 12150, 12151, 12650, 12651, 13100, 13101 and 13700 of this code upon the effective date of this section but to provide a means for a more equitable and appropriate determination of the amount of aid to be paid as future increases in aid grants are voted by the Legislature.

11183. The State Department of Social Welfare shall file an annual report to the Legislature on the progress made in simplifying the standard of assistance. Whenever it is consistent with interim committee hearings the department shall make verbal reports to the appropriate legislative policy committee.

CHAPTER 1397

An act to add Section 6224 to the Public Resources Code, relating to title searches of Lake Tahoe shore and making an appropriation therefor.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 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. (a) The commission shall conduct title searches on the real property in this state of the beaches of Lake Tahoe which is dedicated for public use and make a report of its findings which shall be open for public inspection. For the purpose of this section the commission may contract upon such terms and conditions as will be in the best interest of the people of the state with one or more private persons, firms, associations, organizations, partnerships, corporations, companies, or public agencies to conduct such title searches.

(b) Notwithstanding any other provision of law, whenever it appears by final decree of any court of competent jurisdiction that title to any beach property of Lake Tahoe, for which the commission in cooperation with the county has conducted a title search, is vested in a county, the county shall dedicate such beach property to the state.

(c) The state shall be under no obligation to operate and maintain the beach property so dedicated to the state. The county or a public agency in which the beach property is situated may, subject to approval of the commission, operate, maintain, or make improvements on such beach property.

SEC. 2. There is hereby appropriated from the General Fund the sum of thirty thousand dollars ($30,000) to the State Lands Commission for the purpose of conducting title searches on the real property in this state of the beaches of Lake Tahoe.

CHAPTER 1398

An act making an appropriation for educational improvement programs.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the Department of Education the sum of three hundred thousand dollars ($300,000), or so much thereof as may be necessary, to be expended by the department, provided that Assembly Bill No. 908 is enacted, for the following scheduled purposes:

(a) For planning grants to school districts pursuant to Section 1068.6 as added to the Education Code by Assembly Bill No. 908 ..... $275,000

(b) For expenses of the department in administering cooperative improvement programs pursuant to Article 7.2 (commencing with Section 1068) as added to Chapter 3 of Division 4 of the Education Code by Assembly Bill No. 908 ..... $25,000

CHAPTER 1399

An act to add Chapter 6.5 (commencing with Section 13900) to Part 3 of Division 9 of the Welfare and Institutions Code, relating to in-home and out-of-home nonmedical care services for public assistance recipients.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Chapter 6.5 (commencing with Section 13900) is added to Part 3 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 6.5. NONMEDICAL CARE FACILITIES AND SUPPORTIVE HOME CARE SERVICES

Article 1. General

13900. The object and purpose of this chapter is to provide a coordinated, comprehensive approach to providing assistance and services for recipients of public assistance who qualify for aid under Chapter 3 (commencing with Section 12000), Old Age Security Law; Chapter 4 (commencing with Section 12500), Aid to the Blind; Chapter 5 (commencing with Sec-

tion 13000), Aid to the Potentially Self-Supporting Blind; Chapter 6 (commencing with Section 13500), Aid to the Needy Disabled, of this part, and who are capable of self-care and self-direction but are so impaired that such persons require or can function more effectively if protected by a living arrangement or through the provision of supportive services while residing in their own homes.

13901. It is further the purpose of this chapter to give recognition to the fact that persons who require provision of a protective living arrangement or extensive supportive services in their own homes present a common set of personal problems, whether they are classified as aged, blind or disabled.

13902. Insofar as practicable and consistent with the best interest of the recipients, the provisions of this chapter shall be administered as a separate program which provides the aged, blind or disabled persons who qualify under the provisions of the separate aid categories with a unified and comprehensive program of care. In developing administrative plans to implement the provisions of this chapter priority shall be given to the plan utilizing the most favorable federal cost-sharing formula.

The State Department of Social Welfare and the county departments of the various counties in a manner consistent with efficient administration shall, where recruitment, training and employment of personnel is economical and practical, establish special civil service or merit system classifications for the employment of supportive home care service personnel

In the recruitment, training and employment of staff to carry out the provisions of this chapter, preference shall be given whenever possible to recipients of public assistance. Persons engaged in training under programs conducted by the Department of Employment shall be given every consideration in competing and qualifying for employment under the applicable civil service and merit system requirements.

In the event that it is not consistent with efficient administration to recruit, train and employ in-home supportive care service workers as regular county employees, the service may be provided pursuant to contract with another public agency, or with a voluntary nonprofit agency. Such a contract shall include a provision that assures preference will be given to the employment of recipients of public assistance.

13903. It is the intent of the Legislature that aged, blind and disabled persons who can benefit from the services provided by this chapter, and for whom it is the most appropriate and economical plan, shall be kept in their own homes or in a home of their own choosing through the provision of supportive services in preference to placement or maintenance in any type of medical or nonmedical facility.

Article 2. In-Home Supportive Service

13910. The purpose of this article is to provide a range of supportive services for those recipients of public assistance who can remain in their own homes or an abode of their own choosing when such services are provided.

Supportive services include, but are not limited to, homemaker services, housekeeping service, volunteer visiting services, consultation and assistance of a protective service worker, and other nonmedical services which make it possible for the recipient to live in comfort and safety under an independent living arrangement.

13911. In developing in-home supportive services, the department shall program a plan for the orderly development of such services on a county-by-county basis to the end that service becomes available in all counties of the state.

13912. Each county welfare department shall file a certificate with the department stating that they have developed a plan pursuant to the objectives and conditions of this chapter with regard to in-home supportive services. Notwithstanding the provisions of Sections 12152, 12652, or 13700, upon approval of the county plan by the department, no further public assistance allowances shall be made by the county to allow recipients to employ homemaker or attendant care services, or other in-home supportive care services under this chapter. State funds appropriated to such county pursuant to the provisions of Sections 15201 to 15204, inclusive, of this code, for that purpose shall constitute the nonfederal share of the costs of services provided under this article.

Article 3. Out-of-Home Care

13920. The purpose of this article is to provide out-of-home care to those recipients of public assistance for whom care in their own homes is impractical.

13921. The Health and Welfare Agency shall, by regulation, establish standards including rate schedules for specialized out-of-home care. Rate schedules may be in the form of payments to facilities as specified in Section 13932, authorizing the department to provide for payments to be made in behalf of or services to be rendered for recipients of aid. Rate schedules shall establish separate rates for board and room and for the specialized care component.

The administrator shall develop an overall plan which integrates the system of out-of-home nonmedical care facility services covered by the provisions of this chapter with the system of medical care facility services covered by the provisions of Chapter 7 (commencing with Section 14000) and Chapter 8 (commencing with Section 14500) of Part 3 of Division 9 of this code. The purpose of such overall plan shall be to maintain an appropriate balance between nonmedical and medical facilities to the end that recipients of public assistance or per-

sons otherwise defined as needy by the provisions of this code are given the care they require at the lowest possible cost.

The plan established by the administrator pursuant to this section may include the use of an interdisciplinary review process to insure that persons are not placed or retained in medical care facilities when appropriate care can otherwise be provided at lower cost.

Nothing in this article shall be interpreted to preclude any facility licensed under the provisions of Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code, or under the provisions of Chapter 1 (commencing with Section 6200) of Part 2 of Division 6 of this code from providing out-of-home care services, provided such facilities meet the standards established by the provisions of this section.

13922. In the establishment of the rate schedules the Administrator of the Health and Welfare Agency shall consider, in addition to any other factors he deems to be relevant, the availability of such homes in the community, cost of living, appropriateness of the facility, the costs of providing care under the required standards, and activity programs required for the maintenance or restoration of function of aged and disabled persons.

13923. The Administrator of the Health and Welfare Agency shall submit an annual report to the Legislature by March 1 of each year setting forth pertinent facts on the operation of the program established by this chapter and its significance in relation to the out-of-home care services of the Medi-Cal program.

Article 4. Fiscal Provisions

13930. Counties shall be reimbursed for the cost of services provided pursuant to this chapter pursuant to the provisions of Sections 15201, 15202, 15203 and 15204, applying the appropriate section to each category of aid recipient, provided that such reimbursement shall not exceed the amount specified in Section 13931.

Reimbursement to the counties under this section shall constitute the nonfederal share of costs with regard to the specialized care component established in Article 3 of this chapter, and with regard to services pursuant to Articles 2 and 3 of this chapter when such services are provided as an administrative expense.

13931. If the physical or mental condition of a recipient of aid is such that he requires services under this chapter or other special services, he shall be entitled to an additional allowance in his behalf in an amount sufficient to provide for the payment of those services, but not to exceed three hundred dollars ($300) in any month.

13932. When, and during such times as, the provisions of the Federal Social Security Act authorize the state to claim federal reimbursement for services rendered in behalf of re-

cipients of aid, the department is authorized to set forth plans and implementing regulations to provide for payments to be made in behalf of, or services to be rendered for recipients of aid to cover all of the benefits authorized under this chapter instead of the cash payments made to the recipient. Payment of cash assistance authorized under the relevant chapter under which a recipient qualifies for aid shall be limited to those needs not covered by provisions of this chapter. The department shall establish maximum amounts for personal and incidental needs when such incidental allowances are the only need of the recipient. The amount so established shall be subject to increases in accordance with the cost of living increase formula set forth in each assistance category.

SEC. 2. The provisions of this act shall be operative under a developmental plan established by the Administrator of the Health and Welfare Agency and approved by the State Department of Finance. The purpose of this plan shall be to provide an orderly development of the service on a county-by-county basis to prevent an interruption in the existing services and to provide a means whereby the cost implications in terms of shifting of caseload from nursing homes to nonmedical care homes and in terms of any possible impact on increasing the rate structure for nonmedical care facilities without affecting such transfer can be clearly observed and reported to the Legislature for corrective legislative action.

CHAPTER 1400

An act to add Article 5 (commencing with Section 11170) to Chapter 1 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public assistance, and making an appropriation therefor.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Article 5 (commencing with Section 11170) is added to Chapter 1 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 5. Homemaker Services

11170. The department shall establish a program of homemaker services in cooperation with the county welfare department in each county of the state where such service is essential to maintaining recipients of public assistance in their own home in preference to placement in protective living arrangements.

In developing these services, the department shall program a plan for the orderly development of the service on a county-

by-county basis to the end that service becomes available in all counties of the state.

11171. A county plan shall provide for employment of homemakers as a regular part of county welfare department staff in accordance with established county civil service requirements or merit system requirements for those counties not having civil service. Priority shall be given to training recipients of public assistance to meet the requirements for employment in preference to the recruitment of homemakers by other means.

In the event that it is not consistent with the efficient administration to recruit, train and employ homemakers as regular county employees, the service may be provided pursuant to contract with a voluntary nonprofit agency. Such a contract shall include a provision that assures preference will be given to the employment of recipients of public assistance.

11172. The county welfare department shall file a certificate with the department stating that they have developed a plan pursuant to Section 11171. Notwithstanding the provisions of Section 12152, 12652, or 13700, upon approval of the county plan by the department, no further public assistance allowances shall be made by such county to allow recipients to employ homemaker or attendant care services. State funds appropriated to such county pursuant to the provisions of Sections 15201 to 15204, inclusive, for that purpose are hereby appropriated to the county for the purpose of providing homemaker services pursuant to this article.

CHAPTER 1401

An act making an appropriation to the Department of Parks and Recreation for the acquisition of Red Rock Canyon in Kern County for inclusion in the state park system.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. There is hereby appropriated from the General Fund the amount of four hundred forty thousand dollars ($440,000) to the Department of Parks and Recreation for the acquisition of Red Rock Canyon in Kern County for inclusion in the state park system. Such acquisition shall be subject to the provisions of the Property Acquisition Law.

Before the appropriation made by this section may be expended, the Director of Parks and Recreation shall first attempt to exchange a portion of either the unsurveyed state school lands or surveyed state school lands located on military installations which the federal government has not transferred to the state.

CHAPTER 1402

An act to amend Section 2600 of, and to repeal Sections 2601 and 2602 of, the Penal Code, relating to civil rights.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 2600 of the Penal Code is amended to read:

2600. A sentence of imprisonment in a state prison for any term suspends all the civil rights of the person so sentenced, and forfeits all public offices and all private trusts, authority, or power during such imprisonment. But the Adult Authority may restore to said person during his imprisonment such civil rights as the authority may deem proper, except the right to act as a trustee, or hold public office or exercise the privilege of an elector or give a general power of attorney.

Between the time of the imposition of a sentence of imprisonment in a state prison for any term and the time the said person commences serving such sentence, the judge who imposed such sentence may restore to said person for said period of time such civil rights as the judge may deem proper, except the right to act as a trustee, or hold public office or exercise the privilege of an elector or give a general power of attorney.

This section shall be construed so as not to deprive such person of the following civil rights, in accordance with the laws of this state:

(1) To inherit real or personal property.

(2) To correspond, confidentially, with any member of the State Bar, or holder of public office, provided that the prison authorities may open and inspect such mail to search for contraband.

(3) To own all written material produced by such person during the period of imprisonment.

(4) To purchase, receive, and read any and all newspapers, periodicals, and books accepted for distribution by the United States Post Office. Pursuant to the provisions of this section, prison authorities shall have the authority to exclude obscene publications or writings, and mail containing information concerning where, how, or from whom such matter may be obtained; and any matter of a character tending to incite murder, arson, riot, violent racism, or any other form of violence; and any matter concerning gambling or a lottery. Nothing in this section shall be construed as limiting the right of prison authorities (i) to open and inspect any and all packages received by an inmate and (ii) to establish reasonable restrictions as to the number of newspapers, magazines, and

books that the inmate may have in his cell or elsewhere in the prison at one time.

SEC. 2. Section 2601 of the Penal Code is repealed.

SEC. 3. Section 2602 of the Penal Code is repealed.

CHAPTER 1403

An act to add Section 14306.5 to the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 14306.5 is added to the Education Code, to read:

14306.5. Notwithstanding the provisions of Section 14067 a member may elect not to receive credit for time served outside this state in a status which in this state is a requisite for membership.

Notwithstanding the provisions of Section 14306 a member shall have the right to make application for retirement, after rendering additional service in a status requisite for membership in this system, of not less than one year after June 30, 1950.

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.

CHAPTER 1404

An act to amend Section 19501 of the Revenue and Taxation Code, relating to the Senior Citizens Property Tax Assistance Law.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 19501 of the Revenue and Taxation Code is amended to read:

19501. "Income" means the sum of adjusted gross income as used for purposes of the California Personal Income Tax Law, including items of income which would otherwise be excluded by Article 3 (commencing with Section 17131) of Chapter 3 of Part 10 of this division (other than transfers by gift or inheritance between members of the household), net income from sources outside the state, alimony, support money, cash public assistance and relief, the gross amount of

any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act (except Medicare benefits received under Title XVIII), all benefits received under state unemployment insurance laws and veterans disability payments, all interest received from the federal government or any of its instrumentalities, all interest received from the State of California or any of its political subdivisions, realized capital gains, workmen's compensation and the gross amount of loss of time insurance benefits, life insurance benefits, life insurance proceeds, and gifts of cash or property (other than transfers by gift between members of the household) in excess of a value of three hundred dollars ($300). It does not include surplus food or other relief in kind supplied by a governmental agency or assistance received under this part. Total income shall be determined for the calendar year (or approved fiscal year ending within such calendar year) which ends within the fiscal year for which the property taxes have been assessed.

SEC. 2. This act shall be operative with respect to property taxes paid for the 1968–1969 fiscal year and fiscal years thereafter.

CHAPTER 1405

An act to amend Section 11158 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor August 21, 1968 Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 11158 of the Welfare and Institutions Code is amended to read:

11158. The Legislature recognizes that certain property and rights owned by a recipient, including a recipient of aid to families with dependent children, are of negligible value in enabling the recipient to meet his present needs, and cannot be classified as available resources of the recipient. The Legislature also recognizes that the present value of such property and rights is at most nominal when considered for the purpose of computing the net worth of the individual. It is the purpose of this section to designate such property and rights.

For the purposes of evaluating the personal property of a recipient, the following items, in the aggregate, shall be deemed to have no value if the amount paid for the same does not exceed one thousand dollars ($1,000):

(a) Money placed in trust for funeral, cremation, or interment expenses.

(b) Life or burial insurance purchased for funeral, cremation, or interment expense.

For the purposes of evaluating the personal property of a recipient, interment plots as defined in Section 7022 of the Health and Safety Code shall be deemed to have no value.

SEC. 2. Section 11158 of the Welfare and Institutions Code is amended to read:

11158. The Legislature recognizes that certain property and rights owned by a recipient, including a recipient of aid to families with dependent children, are of negligible value in enabling the recipient to meet his present needs, and cannot be classified as available resources of the recipient The Legislature also recognizes that the present value of such property and rights is at most nominal when considered for the purpose of computing the net worth of the individual. It is the purpose of this section to designate such property and rights.

For the purposes of evaluating the personal property of a recipient, the following items, in the aggregate, shall be deemed to have no value if the amount paid for the same does not exceed one thousand dollars ($1,000):

(a) Money or securities placed in an irrevocable trust for funeral, cremation, or interment expenses with any of the trustees mentioned in Section 7736 of the Business and Professions Code.

(b) Life or burial insurance purchased specifically for funeral, cremation, or interment expense, which is placed in an irrevocable trust or which has no loan or surrender value available to the recipient.

(c) Securities issued by a licensed cemetery authority which by their terms are convertible into payment for funeral, cremation, or interment expenses.

For the purposes of evaluating the personal property of a recipient, interment plots as defined in Section 7022 of the Health and Safety Code shall be deemed to have no value.

SEC. 3. Section 2 of this act shall become operative only if the amendments to Section 11158 of the Welfare and Institutions Code as proposed by Senate Bill No. 281 are enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Senate Bill No. 281 takes effect; at which time Section 11158 of the Welfare and Institutions Code as amended by Section 1 of this act is repealed.

CHAPTER 1406

An act to amend Section 11008 of, and to repeal Section 11266 of, the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 11008 of the Welfare and Institutions Code is amended to read:

11008. In order that recipients of public assistance may become self-supporting and productive members of their communities, it is essential that they be permitted to earn money without a proportionate deduction in their aid grants. It is the intention of the Legislature to promote this objective to the extent possible within the limitations imposed by federal law, and the department, in implementing public assistance laws, is directed to do so in the light of this objective.

To the maximum extent permitted by federal law, earned income of a recipient of aid under any public assistance program for which federal funds are available shall not be considered income or resources of the recipient, and shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

In computing the amount of income determined to be available to support a recipient, the value of currently used resources shall be included but the value of casual income and inconsequential resources shall be excluded.

SEC. 2. Section 11266 of the Welfare and Institutions Code is repealed.

SEC. 4. This act shall become operative on July 1, 1969.

CHAPTER 1407

An act to amend Sections 296.4, 904, and 911 of the Probate Code, relating to administration of estates.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 296.4 of the Probate Code is amended to read:

296.4. Where a husband and wife have died, leaving community property and there is no sufficient evidence that they have died otherwise than simultaneously, one-half of all the community property shall be administered upon, distributed, or otherwise dealt with, as if the husband had survived and as if said one-half were his separate property and the other one-half thereof shall be administered upon, distributed, or otherwise dealt with, as if the wife had survived and as if

said other one-half were her separate property, except as provided in Section 296.3.

If a portion of the estate which was the community property of the husband and wife would otherwise escheat to the state under this section and Sections 201, 228, and 231 because there is no relative, including next of kin, of one of the spouses to succeed to such portion of the estate, such portion of the estate shall be distributed in equal shares to the children of the other spouse and to their descendants by right of representation, or if such other spouse leaves no children, nor descendants of a deceased child, in equal shares to the parents of such other spouse, or if either is dead to the survivor, or if both are dead, in equal shares to the brothers and sisters of such other spouse and to their descendants by right of representation, or if such other spouse leaves neither parent, brother, sister, nor descendant of a deceased brother or sister, such portion of the estate goes to the next of kin of such other spouse in equal degree, except that when there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor must be preferred to those claiming through an ancestor more remote.

SEC. 2. Section 904 of the Probate Code is amended to read:

904. Any executor or administrator, at any time after four months from the issuance of letters testamentary or of administration, and upon such notice to the persons interested in the estate as the court or a judge thereof shall require, may apply to the court for an allowance upon his commissions; and on the hearing the court shall make an order allowing him such portion of his commissions, for services rendered up to that time, as the court shall deem proper, and the portion so allowed may be thereupon charged against the estate.

SEC. 3 Section 911 of the Probate Code is amended to read:

911. Any attorney who has rendered services to an executor or administrator, at any time after four months from the issuance of letters testamentary or of administration, and upon such notice to the executor or administrator and to the persons interested in the estate as the court or a judge thereof shall require, may apply to the court for an allowance upon his fees; and on the hearing the court shall make an order requiring the executor or administrator to pay such attorney out of the estate such compensation, on account of services rendered up to that time, as the court shall deem proper, and such payment shall be made forthwith.

SEC. 4. Section 1 of this act shall apply to any portion of an estate which on the effective date of this act has not vested absolutely in the state or has not permanently escheated to the state, whether the decedent died before or after such date.

CHAPTER 1408

An act to add Article 8 (commencing with Section 11500) to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to child care.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Article 8 (commencing with Section 11500) is added to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 8. Home Care for Needy Children

11500. Each county department shall provide home care for any needy child under this chapter who qualifies for such care.

11501. As used in this article, "home care" means such care and supervision as normally provided on behalf of a child's parents during their absence.

11502. Home care shall be provided in the home of the child, the home of the person providing the home care, or other suitable facility, as authorized in each instance by the county department.

11503. Home care shall be provided by mothers of other needy children as part of a work incentive program whenever possible, and otherwise by other mothers receiving aid under this part who are qualified to provide such care. No person shall provide home care for more than six children at one time.

11504. A person providing home care shall be compensated at the prevailing rate in the community and at a rate no less than the federal minimum wage for such services, subject to funds available for compensation of such person.

11505. The department shall set standards of health, safety, and quality of home care in its regulations.

11506. A needy child shall qualify for home care during such times as the child's mother is away from the home because she is participating in a rehabilitation, community work and training or work incentive program, or is actively seeking employment, and there is no other person living in the child's home capable of providing such care.

11507. Notwithstanding the provisions of Section 15200, state funds appropriated to a county pursuant to that section, to the extent such funds would otherwise be paid to recipients under this chapter as grant allowances for home care for needy children, shall be used by the county to purchase such services on behalf of such recipients as provided in this article, and such funds shall constitute the total nonfederal contribution for the costs of home care for needy children.

CHAPTER 1409

An act to amend Section 6061 of the Education Code, relating to non-English-speaking pupils in the public schools.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 6061 of the Education Code is amended to read:

6061. The governing board of any elementary school district may, with the approval of the Superintendent of Public Instruction, pursuant to this article and the implementing rules and regulations of the State Board of Education and the Superintendent of Public Instruction, establish and maintain special programs or classes for which state financial assistance under this article may be provided, in speaking, reading and writing the English language for foreign-born minors and native-born minors. Programs may be maintained only by the governing board of a district in an elementary school in which 15 or more pupils in that school of the district are unable, at the time of enrollment for the second year in a California school, not counting kindergarten, to speak, understand, read or write the English language well enough to carry on the normal class activities of the grade in which he is enrolled.

The section shall not apply to pupils participating in a class in a compensatory education program of the district or other program funded through federal or state moneys for low-income or disadvantaged pupils.

CHAPTER 1410

An act to add Chapter 4.4 (commencing with Section 31261) to Division 22 of the Education Code, relating to scholarships.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Chapter 4.4 (commencing with Section 31261) is added to Division 22 of the Education Code, to read:

CHAPTER 4.4. COLLEGE OPPORTUNITY GRANT PROGRAM

31261. (a) The Legislature finds and declares that because of financial and home and community environmental conditions numerous students with substantial potential for success in college and for future leadership in the community are un-

able to pursue a higher education and attain their full educational potential. It further recognizes that to effectively combat the forces which prevent these students from pursuing a higher education different programs and methods must be tried. There is hereby created a state financial assistance program to be known as the "College Opportunity Grant Program." It is the purpose of this program to provide financial assistance for undergraduate study to disadvantaged students who are not necessarily able to avail themselves of present state competitive scholarships by the use of conventional selection methods, pursuant to Chapter 3 (commencing with Section 31201) of this division.

(b) The Legislature further recognizes that the role of the community or junior colleges, as the least expensive level of California higher education, is a crucial role in increasing the higher education opportunities for disadvantaged students, and it is the intent of the Legislature that the additional opportunities for higher education provided pursuant to this chapter shall be initiated primarily on the public community or junior college level.

31262. The College Opportunity Grant Program shall be a pilot demonstration program administered by the State Scholarship and Loan Commission, which shall adopt rules and regulations necessary or appropriate to effectuate the provisions of this chapter and may use experimental methods and subjective judgments as well as conventional selection methods.

31263. There shall be available up to 1,000 grants in each of the fiscal years 1969–70, 1970–71, 1971–72, and 1972–73, and the recipients of such grants shall be eligible for renewal of their awards until they have completed an A.B. degree or its equivalent in conformance with the terms prescribed by the State Scholarship and Loan Commission, which terms shall not be in conflict with this chapter. Such grants may be awarded to eligible students who attend public junior colleges for vocational purposes terminating with a two-year course of study.

31264. To be eligible for a grant under this chapter, a student shall meet all of the following:

(a) Be a disadvantaged student under criteria to be established by the State Scholarship and Loan Commission, which shall take into consideration those financial, educational, cultural, language, home, community, environmental, and other conditions which tend to make difficult the gaining access to and persisting in postsecondary programs.

(b) Be in need of financial assistance to attend college.

(c) Have demonstrated substantial potential for successfully participating at an institution of higher education and for future leadership in the community.

(d) Be a resident of the State of California, as defined in subdivision (a) of Section 31203.

(e) Be a citizen of the United States or have been admitted to permanent residence.

(f) Be admitted to and enroll in a California public community or junior college or a California public or private college accredited by the Western Association of Schools and Colleges as a full-time undergraduate student.

(g) Maintain satisfactory progress toward a degree and eligibility as defined by the State Scholarship and Loan Commission.

31265. Grants awarded under this chapter shall be for living expenses, transportation, supplies and books, according to the student's financial need, and shall not be in excess of one thousand one hundred dollars ($1,100) per academic year. The State Scholarship and Loan Commission may also award such grants and an additional amount to pay tuition and fees to students who attend college at a public or private four-year college or university.

31266. The State Scholarship and Loan Commission shall submit to the Legislature at its 1970 Regular Session, and at each regular session thereafter until the program under this chapter is completed, an evaluation of the operation of the College Opportunity Grant Program. The commission shall not award any additional grants for any fiscal years other than those specified in Section 31263 unless there is specific authorization by the Legislature to continue the awarding of college opportunity grants pursuant to this chapter.

31267. The commission is hereby authorized to accept and receive any federal funds made available under any act of Congress for purposes of this chapter, and to participate in any federal program under such act of Congress in order to secure such funds. The commission shall assist any person eligible for a grant under this chapter to secure or obtain any scholarships or loans which such person might be eligible to receive, in order to minimize the expense of this program to the State of California.

CHAPTER 1411

An act to amend Section 1777.5 of the Labor Code, relating to public works.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 1777.5 of the Labor Code is amended to read:

1777.5. Nothing in this chapter shall prevent the employment of properly indentured apprentices upon public works.

Every such apprentice shall be paid the standard wage paid to apprentices under the regulations of the craft or trade at which he is employed, and shall be employed only at the work of the craft or trade to which he is indentured.

Only apprentices, as defined in Section 3077, who are in training under apprenticeship standards and written apprentice agreements under Chapter 4 (commencing at Section 3070), Division 3, of the Labor Code, are eligible to be employed on public works. The employment and training of each apprentice shall be in accordance with the provisions of the apprenticeship standards and apprentice agreements under which he is training.

When the contractor to whom the contract is awarded by the state or any political subdivision, or any subcontractor under him, in performing any of the work under the contract or subcontract, employs workmen in any apprenticeable craft or trade, the contractor and subcontractor shall apply in each such case to the joint apprenticeship committee administering the apprenticeship standards of the craft or trade in the area of the site of the public work for a certificate approving the contractor or subcontractor under the apprenticeship standards for the employment and training of apprentices in the area of the site of the public work. The committee shall issue a certificate fixing the number of apprentices or the ratio of apprentices to journeymen who shall be employed in the craft or trade on the public work. The ratio shall not exceed that stipulated in the apprenticeship standards under which the joint apprenticeship committee operates, but in no case shall the ratio be less than one apprentice for each five journeymen, except as otherwise provided in this section.

The contractor or subcontractor, if he is covered by this section, shall, upon the issuance of the approval certificate in each such craft or trade, employ the number of apprentices or the ratio of apprentices to journeymen fixed in the certificate issued by the joint apprenticeship committee. Upon proper showing by the contractor that he employs apprentices in such craft or trade in the state on all of his contracts on an annual average of not less than one apprentice to each eight journeymen, the Division of Apprenticeship Standards shall grant a certificate exempting the contractor from the one-to-five ratio as set forth in this section.

"Apprenticeable craft or trade," as used in this section, shall mean a craft or trade determined as an apprenticeable occupation in accordance with rules and regulations prescribed by the Apprenticeship Council. The provisions of this section, in the discretion of the joint apprenticeship committee, shall not apply within a joint apprenticeship training area:

(a) In the event unemployment for the previous three-month period in such area exceeds an average of 15 percent, or

(b) In the event the number of apprentices in training in such area exceeds a ratio of one to five, or

(c) If there is a showing that the apprenticeable craft or trade is replacing at least one-thirtieth of its journeymen annually through apprenticeship training, either (1) on a statewide basis, or (2) on a local basis.

A contractor to whom the contract is awarded, or any subcontractor under him, who, in performing any of the work under the contract, employs journeymen or apprentices in any apprenticeable craft or trade and who is not contributing to a fund or funds to administer and conduct the apprenticeship program in any such craft or trade in the area of the site of the public work, to which fund or funds other contractors in the area of the site of the public work are contributing, shall contribute to the fund or funds in each craft or trade in which he employs journeymen or apprentices on the public work in the same amount or upon the same basis and in the same manner as the other contractors do. The contractor or subcontractor may add the amount of such contributions in computing his bid for the contract. The Division of Labor Law Enforcement is authorized to enforce the payment of such contributions to the fund or funds as set forth in Section 227.

The body awarding the contract shall cause to be inserted in the contract stipulations to effectuate this section.

In the event a contractor willfully fails to comply with this section, such contractor shall be denied the right to bid on a public works contract for a period of six months from the date the determination is made.

The interpretation and enforcement of this section shall be in accordance with rules and procedures prescribed by the Apprenticeship Council.

CHAPTER 1412

An act to add Sections 20750.141, 20750.24, 20750.34, 20750.413 and 20750.433 to, and to amend Section 21367.51 of the Government Code, relating to Public Employees' Retirement Fund.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 20750.141 is added to the Government Code, to read:

20750.141. The contribution to the retirement fund of a public employer subject to Section 20750.1, with respect to miscellaneous members provided by any and all other provisions of this chapter is increased by a sum equal to four-hundredths (0.04) of 1 percent of the compensation paid such members by such employer.

SEC. 2. Section 20750.24 is added to the Government Code, to read:

20750.24. The contribution of a public employer to the retirement fund with respect to state patrol members provided by any and all other provisions of this chapter is in-

creased by a sum equal to three-hundredths (0.03) of 1 percent of the compensation paid such members by such employer.

SEC. 3. Section 20750.34 is added to the Government Code, to read:

20750.34. The contribution of a public employer to the retirement fund with respect to forestry members provided by any and all other provisions of this chapter is increased by a sum equal to two-hundredths (0.02) of 1 percent of the compensation paid such members by such employer.

SEC. 4. Section 20750.413 is added to the Government Code, to read:

20750.413. The contribution of a public employer to the retirement fund with respect to warden members provided by any and all other provisions of this chapter is increased by a sum equal to seven-hundredths (0.07) of 1 percent of the compensation paid such members by such employer.

SEC. 5. Section 20750.433 is added to the Government Code, to read:

20750.433. The contribution of a public employer to the retirement fund with respect to law enforcement members provided by any and all other provisions of this chapter is increased by a sum equal to thirty-six hundredths (0.36) of 1 percent of the compensation paid such members by such employer.

SEC. 6. Section 21367.51 of the Government Code is amended to read:

21367.51. Upon the death of any person, after retirement and while receiving a retirement allowance from this system, there shall be paid to his estate or to such beneficiary as he shall nominate by written designation duly executed and filed with the board, the sum of five hundred dollars ($500), to be provided from contributions by the state or contracting agency, as the case may be.

The section shall supersede the provisions of Section 21367.5 as to the retired employees of the state and as to the retired employees of any contracting agency which has elected to be subject to the provisions of this section.

This section shall not apply to the retired employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5, or, 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.

CHAPTER 1413

An act to add Article 7.2 (commencing with Section 1068) to Chapter 3 of Division 4 of the Education Code, relating to cooperative improvement programs.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Article 7.2 (commencing with Section 1068) is added to Chapter 3 of Division 4 of the Education Code, to read:

Article 7.2. Cooperative Improvement Programs

1068. It is the intent and purpose of the Legislature in enacting this chapter to encourage local school districts to improve their educational systems and to enrich their educational offerings by utilizing, whenever possible and appropriate, resources which exist in the community. Such resources may include, but not be limited to, business, industry, institutions of higher learning, private consulting firms, other school districts, the University of California, or the State of California itself. In the implementation of this chapter, particular emphasis is to be placed upon programs oriented toward agriculture, science, business and commerce, vocational education, teacher training, and, with reference to school district administration, development of modern budgetary techniques, such as program planning and budgeting.

1068.1. Upon approval by the State Board of Education, local school districts, or schools within local districts, may enter into cooperative or contractual arrangements with business, industry, or elements within the community for improvement of the local education program. Such arrangements may include evaluation, planning, cooperation in the operation of educational programs, and use of noncertificated personnel, including the elderly, youth, college students, and other nonprofessionals.

1068.2. Approval by the State Board of Education of such proposals shall be based upon the recommendation of the State Superintendent of Public Instruction.

1068.3. Nothing in this chapter is intended to modify the law with respect to experimental mathematics and reading programs established under the McAteer Act (Chapter 6.5 (commencing with Section 6450) of Division 6) or is to be construed to authorize school districts to contract for services required to be performed by classified school employees.

1068.4. The Department of Education shall select a consultant to assist local districts or schools in the preparation of proposals to be submitted to the board. Such assistance shall include the securing of outside funds, if necessary. The consultant shall also assist the Superintendent of Public Instruc-

tion in establishing rules, regulations, and guidelines for proposals of cooperative improvement programs, and to evaluate the progress of such programs once underway.

1068.5. The department shall encourage and seek out assistance from colleges and universities in order that college and university programs may be functional and effectively integrated with and provide assistance to the public schools.

1068.6. Planning grants may be made by the department, after approval by the State Board of Education, for the purposes of developing, submitting, and implementing the initial phases of a cooperative improvement program pursuant to this chapter; provided, that no such grant shall be made for other than actual costs, and no more than fifteen thousand dollars ($15,000) in such grants may be made in any biennium to any one recipient.

1068.7. The governing board of a school district, in its application, may request waiver of the provisions of any section or sections of this code relating to the educational programs or administrative functions described in Section 1068 if such waiver is necessary to establish and operate a program under this chapter. The need for a waiver shall be explained and justified in the application. The Superintendent of Public Instruction, with the approval of the State Board of Education, may grant, in whole, or in part, any such request.

CHAPTER 1414

An act to add Article 3.5 (commencing with Section 6475) to Chapter 6.5 of Division 6 of, and to add Article 3.6 (commencing with Section 13355) to Chapter 2 of Division 10 of, the Education Code, relating to teacher training.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Article 3.5 (commencing with Section 6475) is added to Chapter 6.5 of Division 6 of the Education Code, to read:

Article 3.5. Preservice and In-Service Training Programs for School Educational Personnel in Poverty-Area Schools

6475. The Legislature hereby declares that there is a need for enrichment in the training provided for teachers working in poverty areas in order that the objectives, organization, and structure, as well as the methodology, of the instructional program in such areas may be brought into harmony with the needs of the educationally disadvantaged. It is recognized that schools serving the educationally disadvantaged face serious

teacher recruitment problems as well as extreme difficulty in maintaining stability in their teaching staffs.

It is the purpose of this article to establish criteria to assist local school districts in developing a program to identify, recruit, and train teachers, principals, and other educational personnel who express a desire to serve in a school serving educationally disadvantaged pupils. Such a goal would be accomplished through a comprehensive program of preservice and in-service training for those who have the aptitude and motivation to serve as a corps of model teachers and instructional leaders equipped to handle the problems of the educationally disadvantaged. The Legislature recognizes that enriched, specialized instruction for participating teachers will:

(a) Increase the teacher's effectiveness.

(b) Provide enriched instruction for the pupils and serve as an example for other teachers.

(c) Significantly reduce state and local school district costs, resulting from the present teacher turnover and consequential teacher recruitment activities.

(d) Provide pupils with instruction conducive to educational, intellectual, and personal attainment.

(e) Improve community relations by providing teachers genuinely desirous of teaching in an urban core area.

The Legislature declares that a statewide cooperative effort is essential to the development of effective programs in recruitment, preservice, and in-service training of personnel for poverty-area schools, including substantial efforts by local school districts to make such programs available to selected school counselors, teachers' aides and home visitors.

6475.2. (a) For the purposes of this article, preservice training means the training provided for educational personnel who are about to enter upon their first year of employment in a position requiring certification qualifications in the public schools and who are to be employed in such a position in a poverty-area school

(b) For the purposes of this article, in-service training means training provided for educational personnel who have been employed in a position requiring certification qualifications in the district and who are to be employed, but are not currently employed, in such a position in a poverty-area school of the district.

6475 3. The governing board of any school district may submit an application through the Director of Compensatory Education to the State Board of Education to establish a preservice or in-service training program for any school or schools in areas designated as concentrated areas of poverty and social tension pursuant to Section 6482.

6475.4. Each application shall include the following:

(a) A comprehensive plan for the development, administration, and evaluation of a preservice or in-service training program, which indicates that such program is an integral part of the district's total compensatory education program.

(b) A detailed budget of anticipated expenditures of the entire program, including costs for staff, consultants, materials, equipment and supplies, and the fees and tuition of the colleges or universities participating in the training program, and available revenue from federal, state, and private sources.

(c) The names, positions, and educational qualifications of the teachers, principals, counselors, teacher aides and other personnel nominated by the governing board of the school district to participate in the program.

(d) Applications of the district after the establishment of a training program in a previous year shall reflect program improvements based on the evaluation of earlier programs.

6475.5. The governing board may contract for resource personnel essential to the training program and, with the participating college or university, for consultant and educational services.

6475.6. The Superintendent of Public Instruction, upon the recommendation of the Director of Compensatory Education and with the approval of the State Board of Education, shall prescribe rules and regulations for the administration of this article.

6475.7. The Superintendent of Public Instruction shall allow to school districts an amount equal to the expenditures, in excess of the available revenue, detailed on the application as approved by the State Board of Education. Funds apportioned under this section shall only be used for the purposes of this article.

6475.8. The preservice or in-service programs established under this article shall meet the following specifications:

(a) The training period shall be for at least eight weeks.

(b) During each day of the first six weeks of the program, one-half of the scheduled program day shall be devoted to the professional training of each trainee participant with the other half of the program spent in demonstration teaching, classroom observation, and home visitation in the school to which the district expects to assign a trainee, whenever possible.

(c) The aim of this professional training shall be to develop (1) recognition of and sensitivity to student needs, (2) an ability to accurately diagnose deficiencies in the basic skill areas, such as reading and mathematics, and to prescribe corrective programs of instruction, and (3) an ability to guide the student to full development and attainment. To fulfill this aim, the professional training shall be a course of study which includes study in one or more of the following areas, at the discretion of, and in accordance with, the needs of the local school district: (1) psychology of the disadvantaged child, (2) sociology of the poverty area, (3) language problems in various cultures, (4) culture of minorities, (5) learning disabilities of the educationally disadvantaged minor, (6) learning patterns of the culturally deprived minor, (7) self-image and achievement, and (8) intergroup relations.

(d) During the final two weeks, at least one-half of the scheduled program day shall be devoted to seminars, workshops, and home visitations, as may be deemed desirable by the local school district. Such activities shall be conducted, whenever possible, in the schools to which the trainees may be assigned.

6475.9. The evaluation of the training program shall indicate the changes in teacher and pupil behavior as a result of the program, evaluated as follows:

(a) An attitude inventory, as selected or developed by the State Board of Education, to be given to each trainee before and after completion of the program.

(b) Objective and subjective analysis as recorded from the trainees, instructors, resource personnel and staff, district administrators, and the pupils and parents involved in the program.

(c) The effectiveness of the trainee at the completion of the program and at the end of the first and second semesters of teaching in a poverty-area school, to be made by the principal and other school personnel supervising the trainee.

6476. The governing board of a school district establishing a preservice or in-service training program shall provide training or evaluation seminars and other forms of professional improvement as followthrough training experience for trainees in the school year immediately succeeding participation in such training program.

6476.1. The school district may nominate and contract for the services of personnel who have received training in a preservice or in-service training program for advanced training, or as resource personnel in later training programs.

6476.2. The governing board of a school district may accept on behalf of, and in the name of, the district such funds and gifts as are made to the district by private organizations or groups for the establishment of a training program pursuant to this article.

SEC. 2. Article 3.6 (commencing with Section 13355) is added to Chapter 2 of Division 10 of the Education Code, to read:

Article 3 6. Professional Development and Program Improvement Act of 1968

13355. This article may be cited as the Professional Development and Program Improvement Act of 1968.

13355 1. It is the intent of the Legislature that professional development and program improvement centers be established throughout the state to offer comprehensive in-service and preservice training programs to strengthen the instructional techniques of classroom teachers in kindergarten and grades 1 through 6, inclusive, and of those teachers who will be entering classroom teaching in the same grade levels from teacher training institutions in California and from out-

side of the state. It is also the intention of the Legislature that the professional development and program improvement centers shall emphasize the improvement of teaching and programs in reading and mathematics, improve the teacher's skills in diagnosing learning disabilities of pupils, and develop corrective programs of instruction.

It is also the intention of the Legislature that in sparsely populated areas, involving long distances, in which the establishment of professional development and program improvement centers are not feasible, the in-service and preservice teacher training shall be provided under joint programs between school districts and county superintendents of schools to strengthen the instructional techniques of classroom teachers in kindergarten and grades 1 through 8 and of those teachers who will be entering classroom teaching in the same grade levels from teacher training institutions in California and from outside the state.

It is the further intention of the Legislature that all district, state, and federal resources related to teacher training be integrated and coordinated with preservice and in-service training programs established by this article in order to improve the educational achievement of pupils enrolled in both categorical aid programs and regular instructional programs.

13355.2. As used in this article:

(a) "Center" means a professional development and program improvement center which is an elementary school designated as such upon application of a school district by the State Board of Education. It is a school in which a program under either Title I of the Elementary and Secondary Education Act of 1965, the Miller-Unruh Basic Reading Act (Chapter 2.5 (commencing with Section 7770) of Division 7), or the mathematics improvement program (Chapter 2.6 (commencing with Section 7828) of Division 7) is in operation.

(b) "Satellite school" means any other school or schools in the district designated as such by the district and approved by the State Board of Education. Satellite schools shall be named in accordance with the priority measures established by Section 13355.6.

(c) "Program" means a professional development and program improvement center program established pursuant to this article.

(d) "Joint program" shall mean a program undertaken through joint agreement by two or more school districts or county superintendents of schools joined together for the purpose of providing in-service and preservice training to teachers, teaching kindergarten and grades 1 through 8 and to those teachers who will be entering classroom teaching in the same grade levels in the schools of the districts participating in the joint agreement.

13355.3. A school may be designated as a center when all of the following conditions are met:

(a) The director of the center, as appointed by the school district, has the concurrence of the cooperating teacher training institution;

(b) The professional staff proposed by the teacher training institution to coordinate the preservice training program of the teacher training institution at the site of the center has the concurrence of the applicant school district;

(c) The master teachers at the center have by qualification been determined by the State Department of Education to be outstanding teachers; and

(d) The center has at least the staff for auxiliary and administrative services that would be present in an adequately staffed school.

13355.4. Each school designated as a center shall employ a staff of teachers, administrative and auxiliary personnel, and teacher aides and shall provide training for such staff which serve as substitutes in the satellite school when the regular satellite school staff is released for in-service training.

The center may also provide preservice training for teacher candidates from any teacher training institution, for teacher aides, and for preservice training of newly employed teachers from outside of the state.

13355.5. Any school district may apply to establish a center. The application shall be submitted to the State Board of Education and shall contain a detailed plan cooperatively developed with a teacher training institution and shall include all of the following:

(a) A description of the training program for the replacement teachers and administrative and auxiliary personnel attached to the center;

(b) A description of the in-service training program to be provided by the center to the staff of satellite schools on a regular rotational basis until all staff members of the satellite schools have participated in the center's in-service training program. "Staff of satellite schools" shall include specialist teachers in reading and mathematics regularly employed in such schools, and administrative and auxiliary personnel, and teacher aides;

(c) A description of the preservice training program to be provided to teacher candidates and new teachers from outside of the state;

(d) A description of the program for followup training to be provided to personnel of satellite schools which have had training in the centers;

(e) Evidence that the district intends to integrate its existing preservice and in-service training programs with the professional development and program improvement programs authorized by this article and evidence that the district intends to increase its level of financial support from district, state, and federal sources for districtwide in-service training programs.

13355.6. Satellite schools shall be designated and approved as those schools which meet all of the following criteria:

(a) The schools which have the largest concentration of pupils whose reading achievement scores fall below the first quartile, as measured by the most recently administered Miller-Unruh Basic Reading Test, or any other applicable statewide reading test, and those schools which have the largest concentration of pupils whose mathematic achievement scores fall below the first quartile as measured by applicable statewide mathematic achievement tests. In each satellite school, the district shall designate one or more master teachers to act as resource teachers in reading and mathematics and to work with other teachers in the strengthening of instructional techniques and program improvement;

(b) The schools shall maintain a summer session and integrate its instructional program with the preservice and inservice training program performed during the summer;

(c) The schools which have the largest concentration of teachers who will assure the district that they will continue to teach in the satellite schools for the second school year following their participation in the center program.

13355.61. A program proposed by a joint agreement may be considered when all the following conditions are met:

(a) The director of the program, as appointed by the joint agreement, has the concurrence of the cooperating teaching training institution.

(b) The professional staff proposed by the teacher training institution to work with the joint program has the concurrence of the school districts participating in the joint agreement.

(c) The master teachers or specialist teachers employed by the joint program have by qualification been determined by the Department of Education to be outstanding teachers.

13355.62. The designated agent of any joint program may apply to establish a program of in-service and preservice training for classroom teachers in lieu of applying to establish a center pursuant to Section 13355.5. The application shall contain a detailed plan cooperatively developed with a teacher training institution and shall include all of the following:

(a) A description of the training program for the staff employed by the joint program to provide in-service and preservice training in the schools of the participating districts.

(b) A description of the in-service training program to be provided by the joint program to the teachers in the schools of the participating districts

(c) A description of the preservice training program to be provided to teacher candidates and new teachers from outside of the state.

(d) A description of the program for followup training to be provided to personnel of the schools of the district which have had training.

(e) Evidence that the district intends to integrate its existing preservice and in-service training programs with the professional development and program improvement programs authorized by this article and evidence that the district intends to increase its level of financial support from district, state and federal sources for districtwide in-service training programs.

(f) Assurance that joint programs shall be undertaken first in the schools of the participating districts which have (1) the largest concentration of pupils whose reading achievement scores fall in the first quartile, as measured by the most recently administered Miller-Unruh Basic Reading Test, or any other applicable statewide reading test, (2) the largest concentration of pupils whose mathematic achievement scores fall in the first quartile as measured by applicable statewide mathematic achievement tests, and (3) the largest concentration of teachers who will assure the district that they will continue to teach in the schools for the second school year following their participation in the program.

13355.7. The State Board of Education shall adopt rules and regulations necessary to implement the provision of this article, including the establishment of minimum standards for in-service and preservice programs offered.

13355.8. The State Board of Education shall provide for the evaluation of improvement of teacher competence of teachers participating in the program The board shall select or contract for the development of evaluation procedures and materials designed to measure the improvement of teaching competence as a result of participation in the program. The assessment procedures and materials shall be utilized to assess participating teachers before and after participation in the program.

13355 9. School districts which have established centers or joint programs shall report to the State Board of Education the scores of pupils in schools whose teachers have participated in programs, and, in addition, shall report scores of pupils in similar schools whose teachers did not participate in programs. Reports shall also be made revealing the amount of progress each pupil in satellite schools made for each year of instruction by teachers receiving in-service or preservice training in the centers. The State Board of Education, on the basis of such reports, shall report annually to the Legislature the success of the program and shall make recommendations to improve the program.

13355.10. Not later than the 1971–1972 fiscal year, the State Board of Education shall cause to be disseminated a description of and the results achieved from the exemplary programs conducted. Comprehensive information regarding such exemplary programs shall be distributed to each school

district of the state. The cost of preparing and disseminating such information shall be financed from funds allowed under Title III of the Elementary and Secondary Education Act of 1965.

13355.11. The State Board of Education shall establish procedures for allocating funds to support the preservice and in-service training programs authorized by this article.

13355.12. The State Board of Education shall integrate into the programs authorized by this article the state plan required under the provisions of Public Law 90-35 (90th Congress), Part B, Subpart 2, "Attracting and Qualifying Teachers to Meet Critical Teacher Shortages" and Part D, "Improving Training Opportunities for Personnel Serving in Programs of Education Other Than Higher Education."

13355.13. Federal funds made available under the provisions of Public Law 90-35 (90th Congress) shall be used primarily to pay the salaries of the replacement teachers and other personnel who staff the satellite school while its personnel receive in-service training in the center and the joint program staff employed to provide in-service and preservice training. The federal funds may also be used: (1) to pay the salaries of the professional staff from the teacher training institutions who will be attached to each center, not to exceed the cost of two full-time equivalent positions for each center or joint program, and (2) to pay for other supporting services designed to strengthen the preservice and in-service training programs authorized by this act and by Public Law 90-35 (90th Congress) upon approval by the State Board of Education.

13355.14. State grants made to school districts shall not exceed the amount approved in the project budget of the district. Allocation shall include such amounts as are necessary (1) to augment federal funds to pay the salaries of the replacement teachers and other personnel who staff the satellite school while regular satellite school personnel receive in-service training in the center, and (2) to pay the salaries of the instructors employed to provide the orientation program for the corps of replacement personnel.

13355.15. There is hereby established within the Office of Compensatory Education a unit of Professional Development and Program Improvement which shall administer the provisions of this article and all programs financed under the provisions of Public Law 90-35 (90th Congress), Part B and Part D.

SEC. 3. Commencing in the 1968–1969 fiscal year and in each fiscal year thereafter, the State Board of Education may approve an allocation of up to five percent (5%) of the funds authorized under the provisions of Article 4 (commencing with Section 6481) of Chapter 6.5 of Division 6 of the Education Code, as added by Chapter 106 of the Statutes of 1966, First Extraordinary Session, for the purposes specified in Section 13355.14 of the Education Code.

SEC. 4. The State Board of Education shall approve the allocation of at least eighty percent (80%) of the funds annually received by the State of California under the provisions of Public Law 90-35 (90th Congress), Part B, Subpart 2, and Part D, for the programs authorized by Article 3.5 (commencing with Section 6475) of Chapter 6.5 of Division 6 of the Education Code and Article 3.6 (commencing with Section 13355) of Chapter 2 of Division 10 of the Education Code.

SEC. 5. School districts may elect to apply for either or both of the programs authorized, but individual teachers may receive special in-service or preservice training through only one of the programs authorized, pursuant to Article 3.5 (commencing with Section 6475) of Chapter 6.5 of Division 6 of the Education Code and Article 3.6 (commencing with Section 13355) of Chapter 2 of Division 10 of the Education Code.

CHAPTER 1415

An act to add Section 14001.1 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 14001.1 is added to the Education Code, to read:

14001.1. Notwithstanding the provisions of subdivision (h) of Section 14001, a regularly credentialed teacher who was a former member of the retirement system and who is employed only as an instructor in classes organized under the Economic Opportunity Act of 1964 may elect, with the approval of the governing board of the school district employing such teacher, to be a member of the retirement system.

CHAPTER 1416

An act to amend Section 19683 of the Education Code, relating to state school building aid.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 19683 of the Education Code is amended to read:

19683. Allocations under this article (Sections 19681 to 19689, inclusive) may be made in such amount as may be necessary, and in such manner as to distribute the available funds

equitably among school districts, giving consideration to the needs of each district and the number of children within each district who are blind, partially seeing, aphasic, deaf, hard of hearing, mentally retarded, orthopedically handicapped, cerebral palsied, speech handicapped, or educationally handicapped.

In computing the number of such children there shall be included:

(a) The number of them residing in the district.

(b) The number of handicapped minors who are actually living within the district five or more days a week, although their legal residence may be outside the district and who are educated pursuant to Section 6805.

(c) The number of them who reside outside of the district, except those described in subdivision (b), and who are to be educated by the district, excluding mentally retarded minors within the provisions of Section 6902 who reside within a district having an average daily attendance of 900 or more and which does not meet the requirements of Section 19590 concerning outstanding bonded indebtedness.

Allocations for housing and equipment for minors having speech defects or disorders shall be allowed only in new schools constructed after July 1, 1968. Such housing and equipment shall be designed and provided to permit their utilization for remedial and other special services including speech therapy, speech reading (lipreading) and auditory training for the speech and hearing handicapped, screening and testing for speech and hearing defects, or both, psychological testing of exceptional children, subject matter tutoring of exceptional children, and other specialized activities required by such children. In addition to the maximum building area allowances provided in Sections 19583, 19585, 19586, and 19587, not more than an additional 200 square feet of building area shall be allowed for each new school so planned and constructed.

SEC. 2. The estimated increased cost of this act to the State General Fund which is intended to relieve local government from the necessity of making expenditures from revenues derived from property taxation is determined to be two hundred thousand dollars ($200,000) in 1968–69 and shall constitute an appropriation for property tax relief in that amount within the meaning of Section 64 of Chapter 1209 of the Statutes of the 1967 Regular Session of the Legislature, as amended by Section 4 of Chapter 408 of the Statutes of the 1968 Regular Session of the Legislature.

CHAPTER 1417

An act to amend Sections 17101, 17102, 17103, 17104, 17105, 17106, 17107, 17107.5, 17108, 17132, 17503, 17504, 17506, 17511, 17512, 18045 and 18802 of, and to add Sections 17109, 17110, 17111, 17112, 17838 and 18057 to, the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately, tax levy.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 17101 of the Revenue and Taxation Code is amended to read:

17101. Except as otherwise provided in this part, gross income includes any amount received as an annuity (whether for a period certain or during one or more lives) under an annuity, endowment, or life insurance contract.

SEC. 2. Section 17102 of the Revenue and Taxation Code is amended to read:

17102. Gross income does not include that part of any amount received as an annuity under an annuity, endowment, or life insurance contract which bears the same ratio to such amount as the investment in the contract (as of the annuity starting date) bears to the expected return under the contract (as of such date). This section shall not apply to any amount to which Section 17104(a) (relating to certain employee annuities) applies.

SEC. 3. Section 17103 of the Revenue and Taxation Code is amended to read:

17103. (a) For purposes of Section 17102, the investment in the contract as of the annuity starting date is—

(1) The aggregate amount of premiums or other consideration paid for the contract, minus

(2) The aggregate amount received under the contract before such date, to the extent that such amount was excludable from gross income under this part or prior income tax laws.

(b) If—

(1) The expected return under the contract depends in whole or in part on the life expectancy of one or more individuals;

(2) The contract provides for payments to be made to a beneficiary (or to the estate of an annuitant) on or after the death of the annuitant or annuitants; and

(3) Such payments are in the nature of a refund of the consideration paid;

then the value (computed without discount for interest) of such payments on the annuity starting date shall be subtracted from the amount determined under subdivision (a). Such value shall be computed in accordance with actuarial tables prescribed by the Franchise Tax Board. For purposes of this

section and of Section 17105(b)(1), the term "refund of the consideration paid" includes amounts payable after the death of an annuitant by reason of a provision in the contract for a life annuity with minimum period of payments certain, but (if part of the consideration was contributed by an employer) does not include that part of any payment to a beneficiary (or to the estate of the annuitant) which is not attributable to the consideration paid by the employee for the contract as determined under subdivision (a)(1).

(c) For purposes of Section 17102, the expected return under the contract shall be determined as follows:

(1) If the expected return under the contract, for the period on and after the annuity starting date, depends in whole or in part on the life expectancy of one or more individuals, the expected return shall be computed with reference to actuarial tables prescribed by the Franchise Tax Board.

(2) If subdivision (c)(1) does not apply, the expected return is the aggregate of the amounts receivable under the contract as an annuity.

(d) For purposes of Sections 17101 to 17112, inclusive, the annuity starting date in the case of any contract is the first day of the first period for which an amount is received as an annuity under the contract.

SEC. 4. Section 17104 of the Revenue and Taxation Code is amended to read:

17104. (a) Where—

(1) Part of the consideration for an annuity, endowment, or life insurance contract is contributed by the employer, and

(2) During the three-year period beginning on or after the annuity starting date, the aggregate amount receivable by the employee under the terms of the contract is equal to or greater than the consideration for the contract contributed by the employee,

then all amounts received as an annuity under the contract shall be excluded from gross income until there has been so excluded (under this article and prior income tax laws) an amount equal to the consideration for the contract contributed by the employee. Thereafter all amounts so received under the contract shall be included in gross income.

(b) For purposes of subdivision (a), if the employee died before any amount was received as an annuity under the contract, the words "receivable by the employee" shall be read as "receivable by a beneficiary of the employee."

(c) For certain rules for determining whether amounts contributed by employer are includable in the gross income of the employee, see Article 1 (commencing at Section 17501) of Chapter 5 of this part, relating to pension, profit-sharing, and stock bonus plans, etc.

SEC. 5. Section 17105 of the Revenue and Taxation Code is amended to read:

17105. (a) If any amount is received under an annuity, endowment, or life insurance contract, if such amount is not

received as an annuity, and if no other provision of this part applies, then such amount—

(1) If received on or after the annuity starting date, shall be included in gross income; or

(2) If subdivision (a)(1) does not apply, shall be included in gross income, but only to the extent that it (when added to amounts previously received under the contract which were excludable from gross income under this part or prior income tax laws) exceeds the aggregate premiums or other consideration paid.

For purposes of Sections 17101 to 17112, inclusive, any amount received which is in the nature of a dividend or similar distribution shall be treated as an amount not received as an annuity.

(b) For purposes of subdivision (a), the following shall be treated as amounts not received as an annuity:

(1) Any amount received, whether in a single sum or otherwise, under a contract in full discharge of the obligation under the contract which is in the nature of a refund of the consideration paid for the contract; and

(2) Any amount received under a contract on its surrender, redemption, or maturity.

In the case of any amount to which the preceding sentence applies, the rule of subdivision (a)(2) shall apply (and the rule of subdivision (a)(1) shall not apply).

SEC. 6. Section 17106 of the Revenue and Taxation Code is amended to read:

17106. In computing, for purposes of Section 17103(a)(1), the aggregate amount of premiums or other consideration paid for the contract, for purposes of Section 17104(a), the consideration for the contract contributed by the employee, and for purposes of Section 17105(a)(2), the aggregate premiums or other consideration paid, amounts contributed by the employer shall be included, but only to the extent that—

(a) Such amounts were includable in the gross income of the employee under this part or prior income tax laws; or

(b) If such amounts had been paid directly to the employee at the time they were contributed, they would not have been includable in the gross income of the employee under the law applicable at the time of such contribution.

SEC. 7. Section 17107 of the Revenue and Taxation Code is amended to read:

17107. Where any contract (or any interest therein) is transferred (by assignment or otherwise) for a valuable consideration, to the extent that the contract (or interest therein) does not, in the hands of the transferee, have a basis which is determined by reference to the basis in the hands of the transferor, then—

(a) For purposes of Sections 17101 to 17112, inclusive, only the actual value of such consideration, plus the amount of the premiums and other consideration paid by the transferee after the transfer, shall be taken into account in computing the

aggregate amount of the premiums or other consideration paid for the contract;

(b) For purposes of Section 17103(a)(2), there shall be taken into account only the aggregate amount received under the contract by the transferee before the annuity starting date, to the extent that such amount was excludable from gross income under this part or prior income tax laws.

For purposes of this section, the term "transferee" includes a beneficiary of, or the estate of, the transferee.

SEC. 8. Section 17107.5 of the Revenue and Taxation Code is amended to read:

17107.5. Sections 17102 and 17104 shall not apply in the case of amounts received after December 31, 1965, as an annuity under Chapter 73 of Title 10 of the United States Code, but all such amounts shall be excluded from gross income until there has been so excluded (under Section 17157(b)(1) or this section, including amounts excluded before January 1, 1966) an amount equal to the consideration for the contract (as defined by Section 17157(b)(2)), plus any amount treated pursuant to Section 17132(b)(4) as additional consideration paid by the employee. Thereafter all amounts so received shall be included in gross income.

SEC. 9. Section 17108 of the Revenue and Taxation Code is amended to read:

17108. If—

(a) A contract provides for payment of a lump sum in full discharge of an obligation under the contract, subject to an option to receive an annuity in lieu of such lump sum;

(b) The option is exercised within 60 days after the day on which such lump sum first became payable; and

(c) Part or all of such lump sum would (but for this section) be includable in gross income by reason of Section 17105(a);

then, for purposes of this part, no part of such lump sum shall be considered as includable in gross income at the time such lump sum first became payable.

SEC. 10. Section 17109 is added to the Revenue and Taxation Code, to read:

17109. Where an annuitant died after December 31, 1952, and before the annuity starting date, if such date is on or after January 1, 1968, and the basis of a surviving annuitant's interest in the joint and survivor annuity contract was determinable under Section 17746.5 of the Personal Income Tax Law of 1954 or Section 18045(f) then—

(a) Section 17104 shall not apply with respect to such contracts:

(b) For purposes of Sections 17101 to 17112, inclusive, the aggregate amount of premiums or other consideration paid for the contract is the basis of the contract determined under such Section 17746.5 of the Personal Income Tax Law of 1954 or Section 18045(f);

(c) For purposes of Section 17103(a)(2), there shall be taken into account only the aggregate amount received by the surviving annuitant under the contract before the annuity starting date, to the extent that such amount was excludable from gross income under this part or prior income tax laws.

SEC. 11. Section 17110 is added to the Revenue and Taxation Code, to read:

17110. Notwithstanding any other provision of Sections 17101 to 17112, inclusive, if any amount is held under an agreement to pay interest thereon, the interest payments shall be included in gross income.

SEC. 12. Section 17111 is added to the Revenue and Taxation Code, to read:

17111. (a) Sections 17101 to 17112, inclusive, shall not apply to so much of any payment under an annuity, endowment, or life insurance contract (or any interest therein) as is includable in the gross income of the wife under Sections 17081, 17082 and 17083 or Sections 17819 and 17820 (relating to income of an estate or trust in case of divorce, etc.).

(b) For definition of "wife," see Section 17021.

SEC. 13. Section 17112 is added to the Revenue and Taxation Code, to read:

17112. For purposes of Sections 17101 to 17112, inclusive, the term "endowment contract" includes a face-amount certificate, as defined in Section 2(a)(15) of the Investment Company Act of 1940 (15 U.S.C., Sec. 80a-2), issued after December 31, 1967.

SEC. 14. Section 17132 of the Revenue and Taxation Code is amended to read:

17132. (a) Gross income does not include amounts received (whether in a single sum or otherwise) by the beneficiaries or the estate of an employee, if such amounts are paid by or on behalf of an employer and are paid by reason of the death of the employee.

(b) (1) The aggregate amounts excludable under subdivision (a) with respect to the death of any employee shall not exceed five thousand dollars ($5,000).

(2) Subdivision (a) shall not apply to amounts with respect to which the employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living.

This subdivision shall not apply to total distributions payable (as defined in Section 17503(e)(3)) which are paid to a distributee within one taxable year of the distributee by reason of the employee's death—

(i) By a stock bonus, pension, or profit-sharing trust described in Section 17501 which is exempt from tax under Section 17631,

(ii) Under an annuity contract under a plan described in Section 17511, or

(iii) Under an annuity contract purchased by an employer which is an organization referred to in Section 23701d of this

code but only with respect to that portion of such total distributions payable which bears the same ratio to the amount of such total distributions payable which is (without regard to this section) includable in gross income, as the amounts contributed by the employer for such annuity contract which are excludable from gross income under Section 17512 bear to the total amounts contributed by the employer for such annuity contract.

(3) Subdivision (a) shall not apply to amounts received by a surviving annuitant under a joint and survivor's annuity contract after the first day of the first period for which an amount was received as an annuity by the employee (or would have been received if the employee had lived).

(4) In the case of any amount to which Sections 17101 to 17112, inclusive (relating to annuities, etc.), apply, the amount which is excludable under subdivision (a) (as modified by this subdivision) shall be determined by reference to the value of such amount as of the day on which the employee died. Any amount so excludable under subdivision (a) shall, for purposes of Sections 17101 to 17112, inclusive, be treated as additional consideration paid by the employee. Subdivision (a) shall not apply in the case of an annuity under Chapter 73 of Title 10 of the United States Code if the individual who made the election under such chapter died after attaining retirement age.

SEC. 15. Section 17503 of the Revenue and Taxation Code is amended to read:

17503. (a) Except as provided in subdivision (b), the amount actually distributed or made available to any distributee by any employees' trust described in Section 17501 which is exempt from tax under Section 17631 shall be taxable to him, in the year in which so distributed or made available, under Sections 17101 to 17112, inclusive, (relating to annuities). The amount actually distributed or made available to any distributee shall not include net unrealized appreciation in securities of the employer corporation attributable to the amount contributed by the employee. Such net unrealized appreciation and the resulting adjustments to basis of such securities shall be determined in accordance with regulations prescribed by the Franchise Tax Board.

(b) In the case of an employees' trust described in Section 17501, which is exempt from tax under Section 17631, if the total distributions payable with respect to any employee are paid to the distributee within one taxable year of the distributee on account of the employee's death or other separation from the service, or on account of the death of the employee after his separation from the service, the amount of such distribution, to the extent exceeding the amounts contributed by the employee (determined by applying Section 17106), which employee contributions shall be reduced by any amounts theretofore distributed to him which were not includable in gross

income, shall be considered a gain from the sale or exchange of a capital asset held for more than six months.

Where such total distributions include securities of the employer corporation, there shall be excluded from such excess the net unrealized appreciation attributable to that part of the total distributions which consists of the securities of the employer corporation so distributed The amount of such net unrealized appreciation and the resulting adjustments to basis of the securities of the employer corporation so distributed shall be determined in accordance with regulations prescribed by the Franchise Tax Board.

(c) For purposes of this section—

(1) The term "securities" means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form.

(2) The term "securities of the employer corporation" includes securities of a parent or subsidiary corporation (as defined in subdivisions (e) and (f) of Section 17535) of the employer corporation.

(3) The term "total distributions payable" means the balance to the credit of an employee which becomes payable to a distributee on account of the employee's death or other separation from the service, or on account of his death after separation from the service.

SEC. 16. Section 17504 of the Revenue and Taxation Code is amended to read:

17504. Contributions to an employees' trust made by an employer during a taxable year of the employer which ends within or with a taxable year of the trust for which the trust is not exempt from tax under Section 17631 shall be included in the gross income of an employee for the taxable year in which the contribution is made to the trust in the case of an employee whose beneficial interest in such contribution is nonforfeitable at the time the contribution is made. The amount actually distributed or made available to any distributee by any such trust shall be taxable to him, in the year in which so distributed or made available, under Sections 17101 to 17112, inclusive (relating to annuities).

SEC. 17. Section 17506 of the Revenue and Taxation Code is amended to read:

17506. Notwithstanding Section 17504 or any other provision of this part, a contribution to a trust by an employer shall not be included in the gross income of the employee in the year in which the contribution is made if—

(a) Such contribution is to be applied by the trustee for the purchase of annuity contracts for the benefit of such employee;

(b) Such contribution is made to the trustee pursuant to a written agreement entered into prior to September 1, 1943, between the employer and the trustee, or between the employer and the employee; and

(c) Under the terms of the trust agreement the employee is not entitled during his lifetime, except with the consent of the trustee, to any payments under annuity contracts purchased by the trustee other than annuity payments.

The employee shall include in his gross income the amounts received under such contracts for the year received as provided in Sections 17101 to 17112, inclusive (relating to annuities). This section shall have no application with respect to amounts contributed to a trust after June 1, 1951, if the trust on such date was exempt under Sections 18156 to 18167, inclusive, of the Personal Income Tax Law of 1954. For purposes of this section, amounts paid by an employer for the purchase of annuity contracts which are transferred to the trustee shall be deemed to be contributions made to a trust or trustee and contributions applied by the trustee for the purchase of annuity contracts; the term "annuity contracts purchased by the trustee" shall include annuity contracts so purchased by the employer and transferred to the trustee; and the term "employee" shall include only a person who was in the employ of the employer, and was covered by the agreement referred to in subdivision (b) prior to September 1, 1943.

SEC. 18. Section 17511 of the Revenue and Taxation Code is amended to read:

17511. Except as provided in subdivision (a), if an annuity contract is purchased by an employer for an employee under a plan which meets the requirements of Section 17515 (whether or not the employer deducts the amounts paid for the contract under such section), the employee shall include in his gross income the amounts received under such contract for the year received as provided in Sections 17101 to 17112, inclusive (relating to annuities).

(a) If—

(1) An annuity contract is purchased by an employer for an employee under a plan described in the first paragraph;

(2) Such plan requires that refunds of contributions with respect to annuity contracts purchased under such plan be used to reduce subsequent premiums on the contracts under the plan; and

(3) The total amounts payable by reason of an employee's death or other separation from the service, or by reason of the death of an employee after the employee's separation from the service, are paid to the payee within one taxable year of the payee,

then the amount of such payments, to the extent exceeding the amount contributed by the employee (determined by applying Section 17106), which employee contributions shall be reduced by any amounts theretofore paid to him which were not includable in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than six months.

(b) For purposes of subdivision (a), the term "total amounts" means the balance to the credit of an employee which becomes payable to the payee by reason of the employee's death or other separation from the service, or by reason of his death after separation from the service.

SEC. 19. Section 17512 of the Revenue and Taxation Code is amended to read:

17512. (a) (1) If—

(A) An annuity contract is purchased—

(i) For an employee by an employer described in Section 23701d which is exempt from tax under Section 23701, or

(ii) For an employee (other than an employee described in clause (A)(i)), who performs services for an educational institution (as defined in Section 17150(c)), by an employer which is a state, a political subdivision of a state, or an agency or instrumentality of any one or more of the foregoing;

(B) Such annuity contract is not subject to Section 17511, and

(C) The employee's rights under the contract are nonforfeitable, except for failure to pay future premiums,

then amounts contributed by such employer for such annuity contract on or after such rights become nonforfeitable shall be excluded from the gross income of the employee for the taxable year to the extent that the aggregate of such amounts does not exceed the exclusion allowance for such taxable year. The employee shall include in his gross income the amounts received under such contract for the year received as provided in Sections 17101 to 17112, inclusive (relating to annuities).

(2) For purposes of this section, the exclusion allowance for any employee for the taxable year is an amount equal to the excess, if any, of—

(A) The amount determined by multiplying (i) 20 percent of his includable compensation, by (ii) the number of years of service, over

(B) The aggregate of the amounts contributed by the employer for annuity contracts and excludable from the gross income of the employee for any prior taxable year.

(3) For purposes of this section, the term "includable compensation" means, in the case of any employee, the amount of compensation which is received from the employer described in paragraph (1)(A), and which is includable in gross income (computed without regard to Section 17139(d)) for the most recent period (ending not later than the close of the taxable year) which under paragraph (4) may be counted as one year of service. Such term does not include any amount contributed by the employer for any annuity contract to which this section applies.

(4) In determining the number of years of service for purposes of this section, there shall be included—

(A) One year for each full year during which the individual was a full-time employee of the organization purchasing the annuity for him, and

(B) A fraction of a year (determined in accordance with regulations prescribed by the Franchise Tax Board) for each full year during which such individual was a part-time employee of such organization and for each part of a year during which such individual was a full-time or part-time employee of such organization.

In no case shall the number of years of service be less than one

(5) If for any taxable year of the employee this section applies to two or more annuity contracts purchased by the employer, such contracts shall be treated as one contract.

(6) For purposes of this section and Section 17106 (relating to special rules for computing employees' contributions to annuity contracts), if rights of the employee under an annuity contract described in subparagraphs (A) and (B) of paragraph (1) change from forfeitable to nonforfeitable rights, then the amount (determined without regard to this subdivision) includable in gross income by reason of such change shall be treated as an amount contributed by the employer for such annuity contract as of the time such rights become nonforfeitable.

(b) If an annuity contract purchased by an employer for an employee is not subject to Section 17511 and the employee's rights under the contract are nonforfeitable, except for failure to pay future premiums, the amount contributed by the employer for such annuity contract on or after such rights become nonforfeitable shall be included in the gross income of the employee in the year in which the amount is contributed. The employee shall include in his gross income the amounts received under such contract for the year received as provided in Sections 17101 to 17112, inclusive, (relating to annuities).

(c) Notwithstanding the first sentence of subdivision (b), if rights of an employee under an annuity contract purchased by an employer which is exempt from tax under Section 17631 or which claims the special deduction allowed by Sections 24404 through 24406, inclusive, of this code change from forfeitable to nonforfeitable rights, the value of such contract on the date of such change (to the extent attributable to amounts contributed by the employer after December 31, 1960) shall, except as provided in subdivision (a), be included in the gross income of the employee in the year of such change.

SEC. 20. Section 17838 is added to the Revenue and Taxation Code, to read:

17838. (a) For purposes of computing the deduction under Section 17836(a), amounts received by a surviving annuitant—

(1) As an annuity under a joint and survivor annuity contract where the decedent annuitant died after December 31, 1967, and after the annuity starting date (as defined in Section 17103(d)); and

(2) During the surviving annuitant's life expectancy period;

shall, to the extent included in gross income under Sections 17101 to 17112, inclusive, be considered as amounts included in gross income under Sections 17831 to 17834, inclusive.

(b) In determining the net value for inheritance tax purposes under Section 17837(b) for purposes of this section, the value for inheritance tax purposes of the items described in subdivision (a) shall be computed—

(1) By determining the excess of the value of the annuity at the date of the death of the deceased annuitant over the total amount excludable from the gross income of the surviving annuitant under Sections 17101 to 17112, inclusive, during the surviving annuitant's life expectancy period, and

(2) By multiplying the figure so obtained by the ratio which the value of the annuity for inheritance tax purposes bears to the value of the annuity at the date of the death of the deceased.

(c) For purposes of this section—

(1) The term "life expectancy period" means the period beginning with the first day of the first period for which an amount is received by the surviving annuitant under the contract and ending with the close of the taxable year with or in which falls the termination of the life expectancy of the surviving annuitant. For purposes of this section, the life expectancy of the surviving annuitant shall be determined, as of the date of the death of the deceased annuitant, with reference to actuarial tables prescribed by the Franchise Tax Board.

(2) The surviving annuitant's expected return under the contract shall be computed, as of the death of the deceased annuitant, with reference to actuarial tables prescribed by the Franchise Tax Board.

SEC. 21. Section 18045 of the Revenue and Taxation Code is amended to read:

18045. For purposes of Section 18044, the following property shall be considered to have been acquired from or to have passed from the decedent:

(a) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent;

(b) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent, with the right reserved to the decedent at all times before his death to revoke the trust;

(c) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent with the right reserved to the decedent at all times before his death to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust;

(d) Property passing without full and adequate consideration under a general power of appointment exercised by the decedent by will;

(e) In the case of decedents dying after April 8, 1953, property which represents the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any state, territory, or possession of the United States or any foreign country, if at least one-half of the whole of the community interest in such property was includable in determining the value of the decedent's gross estate under Chapter 3 of the California Inheritance Tax Law.

(f) In the case of decedents dying after December 31, 1952, and before the annuity starting date, if such date is on or after January 1, 1968, property which represents the survivor's interest in a joint and survivor's annuity if the value of any part of such interest was required to be included in determining the value of decedent's gross estate under the California Inheritance Tax Law

(g) In the case of decedents dying after December 31, 1954, property acquired from the decedent by reason of death, form of ownership, or other conditions (including property acquired through the exercise or nonexercise of a power of appointment), if by reason thereof the property is required to be included in determining the value of the decedent's estate under Division 2, Part 8 of the Revenue and Taxation Code. In such case, if the property is acquired before the death of the decedent, the basis shall be the amount determined under Section 18044 reduced by the amount allowed to the taxpayer as deductions in computing taxable income under this part or prior income tax laws for exhaustion, wear and tear, obsolescence, amortization, and depletion on such property before the death of the decedent. Such basis shall be applicable to the property commencing on the death of the decedent. This paragraph shall not apply to—

(1) Property described in any other subdivision of this section; and

(2) Annuities described in Sections 17101 to 17112, inclusive.

SEC. 22. Section 18057 is added to the Revenue and Taxation Code, to read:

18057. In the case of the sale of an annuity contract, the adjusted basis shall in no case be less than zero.

SEC. 23. Section 18045 of the Revenue and Taxation Code is amended to read:

18045. For purposes of Section 18044, the following property shall be considered to have been acquired from or to have passed from the decedent:

(a) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent;

(b) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or

direction of the decedent, with the right reserved to the decedent at all times before his death to revoke the trust;

(c) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent with the right reserved to the decedent at all times before his death to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust;

(d) Property passing without full and adequate consideration under a general power of appointment exercised by the decedent by will;

(e) In the case of decedents dying after April 8, 1953, property which represents the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any state, territory, or possession of the United States or any foreign country, if at least one-half of the whole of the community interest in such property would have been includable in determining the value of the decedent's gross estate under the provisions of Chapter 11 (commencing with Section 2001, relating to the estate tax) of subchapter B of the Internal Revenue Code of 1939, as such provisions were in effect on July 1, 1968.

(f) In the case of decedents dying after December 31, 1952, and before the annuity starting date, if such date is on or after January 1, 1968, property which represents the survivor's interest in a joint and survivor's annuity if the value of any part of such interest was required to be included in determining the value of decedent's gross estate under the California Inheritance Tax Law.

(g) In the case of decedents dying after December 31, 1954, property acquired from the decedent by reason of death, form of ownership, or other conditions (including property acquired through the exercise or nonexercise of a power of appointment), if by reason thereof the property is required to be included in determining the value of the decedent's estate under Division 2, Part 8 of the Revenue and Taxation Code. In such case, if the property is acquired before the death of the decedent, the basis shall be the amount determined under Section 18044 reduced by the amount allowed to the taxpayer as deductions in computing taxable income under this part or prior income tax laws for exhaustion, wear and tear, obsolescence, amortization, and depletion on such property before the death of the decedent. Such basis shall be applicable to the property commencing on the death of the decedent. This subdivision shall not apply to—

(1) Property described in any other subdivision of this section; and

(2) Annuities described in Sections 17101 to 17112, inclusive.

SEC. 24. Section 18802 of the Revenue and Taxation Code is amended to read:

18802. (a) Every individual, partnership, corporation, joint stock company or association, insurance company, busi-

ness trust, or so-called Massachusetts trust, engaged in a trade or business in this state and making payment in the course of such trade or business to another person, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of this state or any political subdivision of this state, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the state, having the control, receipt, custody, disposal, or payment of interest (other than interest coupons payable to bearer), dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income amounting to one thousand dollars ($1,000) or over, paid or payable during any year to any taxpayer, shall make a complete return to the Franchise Tax Board, which shall contain or be verified by a written declaration that it is made under the penalties of perjury, under such regulations and in such form and manner and to such extent as may be prescribed by it.

(b) For purposes of subdivision (a), the term "trade or business" includes the activities of nonprofit organizations.

(c) In cases of annuities with an annuity starting date on and after January 1, 1968, in lieu of the return required by subdivision (a), a duplicate copy of the federal return may be filed with the Franchise Tax Board.

SEC. 25. Section 23 of this act shall become operative only if the amendments to Section 18045 of the Revenue and Taxation Code as proposed by Senate Bill No. 450 are enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Senate Bill No 450 takes effect; at which time Section 18045 of the Revenue and Taxation Code as amended by Section 21 of this act is repealed.

SEC 26. Notwithstanding the provisions of Section 27, Sections 17101 to 17108, inclusive, and Section 18802 of the Revenue and Taxation Code, as amended by this act, and Sections 17109 to 17112, inclusive, of that code, as added by this act, shall be applied in the computation of taxes on annuities with an annuity starting date (as defined by subdivision (d) of Section 17103 of that code) on or after January 1, 1968, and Sections 17101 to 17108, inclusive, and Section 18802 of that code, as were in effect immediately prior to the amendments made by this act, shall continue to be applied in the computation of taxes on annuities with payments commencing prior to January 1, 1968.

SEC. 27. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into immediate effect.

CHAPTER 1418

An act to amend Sections 5756 and 17601.1 of, to add Article 5.5 (commencing with Section 11475) to Chapter 3 of Division 9 of, and to repeal Article 5 (commencing with Section 11451) of Chapter 3 of Division 9 of, the Education Code, relating to junior college attendance.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 5756 of the Education Code is amended to read:

5756. For the purpose of crediting attendance for apportionments from the State School Fund during the fiscal year, "adult" means any person who has attained his 21st birthday on or before September 1st or February 1st of the semester or quarter for which he has enrolled, and who has enrolled in less than 10 class hours as defined in Section 11480 for junior college districts or 10 periods of not less than 40 minutes each per week for high school districts.

SEC. 2. Article 5.5 (commencing with Section 11475) is added to Chapter 3 of Division 9 of the Education Code, to read:

Article 5.5. Junior College Attendance

11475. The units of average daily attendance of pupils resident of a junior college district enrolled in 13th- and 14th-grade courses during the academic year, as defined in Section 25511.5, exclusive of adults as defined in Section 5756, shall be computed by computing the mean average of the quotients derived in each semester or quarter by dividing by 15 the product obtained by multiplying a factor as determined by the Department of Finance in cooperation with the Board of Governors of the California Community Colleges, to represent the relationship of weekly student contact hours, as averaged between two attendance counts per semester or quarter, to average daily attendance, by the sum of the total number of class hours for which pupils are regularly enrolled as recorded for the fourth week of six consecutive schooldays each semester or quarter.

Such factor shall be reviewed from time to time by the Department of Finance in cooperation with the Board of Governors of the California Community Colleges.

Attendance of such pupils in classes held on Saturday shall be used in the computation of average daily attendance only for courses which are recognized upon transfer to an accredited college or university and any vocational education course, provided that any such course is also conducted for at least two class hours on separate days during the regular five-day school week.

11476 The attendance of adults as defined in Section 5756 shall be kept separately from all other attendance. The units of average daily attendance of adults resident of the junior college district enrolled in regular 13th- and 14th-grade courses during the academic year shall be computed in the manner prescribed in Section 11475 except that the factor prescribed therein shall be adjusted as required to reflect the attendance of resident adults. The attendance of such resident adults in summer schools and classes for adults shall be computed in the manner prescribed in Sections 11479 and 11501, respectively.

11477. The attendance of all pupils not residents of a junior college district, including adults as defined by Section 5756, enrolled in regular 13th- and 14th-grade courses during the academic year shall be kept separately from all other attendance and the units of average daily attendance for such pupils and adults shall be computed on an individual basis in the manner prescribed in Section 11475 except that for adults the factor shall be adjusted as required in Section 11476.

The units of average daily attendance of pupils and adults not residents of the junior college district enrolled in summer schools and classes for adults shall be kept separately from all other attendance and be computed on an individual basis in the manner prescribed in Section 11479 and Section 11501, as appropriate.

11478. Each junior college district shall report to the Superintendent of Public Instruction on forms prepared by the Department of Education, in addition to all other attendance data as required, and cumulative enrollment, the active enrollment and the contact hours of all students enrolled in 13th- and 14th-grade courses of summer school and show the relationship of attendance to contact hours for the second week of the summer session. The total number of whole and partial class hours of attendance and related contact hours of students enrolled in such 13th- and 14th-grade courses of less than the full summer session shall be reported separately for the week.

The Superintendent of Public Instruction shall adopt rules and regulations defining the terms "active enrollment," "contact hours," and "cumulative enrollment," for the purposes of this section.

For the purposes of this section and of Sections 11102, 11475, 11476, and 11477, the term "13th- and 14th-grade courses" has the same meaning as that presented in the "Criteria and Standards for Graded Junior College Courses in Grades 13 and 14" in Section 131.5 of Title 5 of the California Administrative Code.

11479. The units of average daily attendance of pupils, including adults as defined in Section 5756, enrolled in summer schools shall be computed by dividing the total class hours of attendance by 525.

11480. For purposes of this article, the class hour unit is defined as not less than 50 minutes exclusive of passing time.

For any class period scheduled for more than one clock hour, 50 minutes of attendance or enrollment, as appropriate, during each clock hour shall represent one class hour but the sum of the class hours of attendance shall not be more than the scheduled number of clock hours in the period.

The State Board of Education may, by rule and regulation, make any and all other provisions necessary to carry out the provisions of this article.

11481. The total units of average daily attendance in the junior colleges of a district shall be the total of units of average daily attendance computed under Sections 11475, 11476, 11477, 11479, and 11482.

11482. The units of average daily attendance in the 11th and 12th grades of each four-year junior college of the district shall be computed by dividing the total number of days of pupils' attendance in such grades of the junior college during the fiscal year by the number of days school was actually taught in the regular day junior colleges of the district during the fiscal year.

SEC. 2.5. Article 5 (commencing with Section 11451) of Chapter 3 of Division 9 of the Education Code is repealed.

SEC. 3. 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 is greater or lesser than the average daily attendance in the regular day schools reported for the second period report, the appropriate increases and decreases in the several categories of attendance for which separate foundation programs are required to be computed shall be 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 re-

corded 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.

If the average daily attendance in schools and classes maintained by school districts other than regular day schools and classes for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in such schools and classes reported for the second period report, the appropriate increases and decreases in the attendance for such schools and classes for which separate state financial support is provided shall be brought forward to the appropriate attendance computation for such schools and classes on the second period report for the next succeeding fiscal year.

(b) The average daily attendance in grades 13 and 14 of the regular day schools of each junior college shall be determined pursuant to the provisions of Article 5.5 (commencing with Section 11475). For junior colleges, under the provisions of this paragraph, the "first period" shall be the first semester and the "second period" shall be the "academic year" (first and second semester). The average daily attendance in each period shall not exceed 1.2 times the number of different pupils enrolled in the district during the period.

(c) The average daily attendance in summer school and outdoor science and conservation education classes maintained during the period between the last day the regular day schools are in session during the preceding year and the first day the regular day schools are in session during the current year shall be reported on both the first period and second period reports. Such average daily attendance shall be computed by dividing the days of attendance by 175. For junior colleges, the hours of attendance shall be divided by 525, and the average daily attendance shall not exceed 1.2 times the total number of different pupils enrolled in the district in the summer school.

(d) The attendance for schools and classes maintained by the county superintendent of schools and for the county school tuition fund credited after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance of the school, class, or fund shall be determined for the first period by dividing the days of attendance by 75 and for the second period, the days of attendance shall be divided by 175.

(e) The days of attendance in classes for adults continuation schools and classes maintained after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance in such schools and

classes shall be determined for the first period by dividing the days of attendance by 75; for the second period, the days of attendance shall be divided by 175.

SEC. 4. 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 is greater or lesser than the average daily attendance in the regular day schools reported for the second period report, the appropriate increases and decreases in the several categories of attendance for which separate foundation programs are required to be computed shall be 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.

If the average daily attendance in schools and classes maintained by school districts other than regular day schools and classes for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in such schools and classes reported for the second period report, the appropriate increases and decreases in the attendance for such schools and classes for which separate state financial support is provided shall be brought forward to the appropriate attendance computation for such schools and classes on the second period report for the next succeeding fiscal year.

(b) The average daily attendance in grades 13 and 14 of the regular day schools of each junior college shall be determined pursuant to the provisions of Article 5.5 (commencing with Section 11475). For junior colleges, under the provisions of this paragraph, the "first period" shall be the first semester and the "second period" shall be the "academic year" (first and second semester). The average daily attendance in each period shall not exceed 1 2 times the number of different pupils enrolled in the district during the period.

(c) The average daily attendance in summer school and outdoor science and conservation education classes maintained during the period between the last day the regular day schools are in session during the preceding year and the first day the regular day schools are in session during the current year shall be reported on both the first period and second period reports Such average daily attendance shall be computed by dividing the days of attendance by 175. For junior colleges, the hours of attendance shall be divided by 525, and the average daily attendance shall not exceed 1.2 times the total number of different pupils enrolled in the district in the summer school.

(d) The attendance for schools and classes maintained by the county superintendent of schools and for the county school tuition fund credited after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance of the school, class, or fund shall be determined for the first period by dividing the days of attendance by 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 occupation centers and opportunity schools and classes maintained after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance in such schools and classes shall be determined for the first period by dividing the days of attendance by 100; for the second period, the days of attendance shall be divided by 175.

SEC. 5. It is the intent of the Legislature, if amendments to Section 17601.1 of the Education Code proposed by both this bill and Senate Bill 795 are enacted, that both amendments be given effect and incorporated in Section 17601.1 in the form set forth in Section 4 of this act. Therefore, in the event Senate Bill 795 is enacted and amends Section 17601.1, Section 4 of this act shall become operative at the same time that Section 17601.1 as amended by Senate Bill 795 becomes operative, and at that time, Section 17601.1 of the Education Code as amended by Section 3 of this act is repealed.

SEC 6. This act shall be deemed operative for the entire 1968–1969 fiscal year as though the same had been enacted into law and become operative on July 1, 1968. The Superintendent

of Public Instruction shall, for such purposes, have authority to take all necessary steps to effect the midfiscal year transition involved, including the authority to adjust allowance computations, apportionments, and disbursements ordered from the State School Fund.

CHAPTER 1419

An act to amend Section 6423 of the Education Code, relating to programs for mentally gifted minors.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 6423 of the Education Code is amended to read:

6423. The governing board of any school district may provide programs for mentally gifted minors living in the district who are enrolled in kindergarten or grades 1 through 12 in the schools of the district and who may be expected to benefit from a program suited to their abilities. The governing board, subject to such terms and conditions as may be agreed upon, may contract with another school district for furnishing programs for such minors or may so contract for the education of such minors including the furnishing of such programs.

The county superintendent may, with the approval of the county board of education, provide programs under the provisions of this article, and transportation therefor, for mentally gifted minors who reside in any school district which has an average daily attendance of less than 901 in the schools of the district. For such purposes the terms "school district" and "governing board of a school district," as used in this article, shall be deemed to include the county superintendent of schools.

SEC. 2. Section 6423 of the Education Code is amended to read:

6423. The governing board of any school district may provide programs for mentally gifted minors living in the district who are enrolled in kindergarten or grades 1 through 12 in the schools of the district and who may be expected to benefit from a program suited to their abilities. The governing board, subject to such terms and conditions as may be agreed upon, may contract with another school district for furnishing programs for such minors or may so contract for the education of such minors including the furnishing of such programs.

The county superintendent may, with the approval of the county board of education, provide programs under the provisions of this article, and transportation therefor, for mentally gifted minors who reside in any school district which has an

average daily attendance of less than 901 in the schools of the district. For such purposes the terms "school district" and "governing board of a school district," as used in this article, shall be deemed to include the county superintendent of schools.

"Programs," as used in this article, shall consist of a special day class, or special services or activities which are provided each participating pupil for an amount of time each week which shall average a minimum of one class period per day. The State Board of Education shall define a special day class and the special services or activities which may be provided.

Beginning July 1, 1969, any proposed program for mentally gifted minors shall receive prior approval of the Superintendent of Public Instruction before any apportionment is made under this article.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No 95 is enacted by the Legislature at its 1968 Regular Session, and in such case said section shall become operative on July 1, 1969; at which time Section 6423 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 1420

An act to amend Section 690.26 of, to amend and renumber Section 690.26 of, and to add Sections 690.12 and 690.53 to, the Code of Civil Procedure, relating to debtor exemptions.

[Approved by Governor August 21, 1968 Filed with Secretary of State August 22, 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. If pursuant to Section 690.10 or 690.11 all of the earnings of a defendant or judgment debtor are exempt from the levy or execution of any creditor except for debts incurred for personal services rendered by any employee or former employee, the court shall determine the priority and division of payment among any employees and former employees who have levied such attachment or execution upon such basis as is just and equitable.

In all other cases, the court shall determine the priority and division of payment among all of the creditors of a debtor who have levied an attachment or execution upon nonexempt earnings upon such basis as is just and equitable.

The court, in determining the priority among creditors pursuant to this section, shall give preference to creditors who have levied an execution unless the court finds that the circumstances warrant another disposition.

Any creditor, upon motion, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the priority and division of payment among all of the creditors of the debtor who have levied an attachment or execution upon nonexempt earnings pursuant to this section.

SEC. 2. Section 690.26 of the Code of Civil Procedure is amended to read:

690.26. (1) If the property mentioned in Sections 690.1 to 690.25, inclusive, shall be levied upon under writ of attachment or execution, the defendant or judgment debtor (herein referred to as "the debtor"), in order to avail himself of his exemption rights as to such property, shall deliver to the levying officer an affidavit of himself or his agent, together with a copy thereof, alleging that the property levied upon, identifying it, is exempt, specifying the section or sections of this code on which he relies for his claim to exemption, and all facts necessary to support his claim, and also stating therein his address within this state for the purpose of permitting service by mail upon him of the counteraffidavit and any notice of the motion herein provided.

(2) Forthwith upon receiving the affidavit of exemption the levying officer shall serve upon the plaintiff or the person in whose favor the writ runs (herein referred to as "the creditor"), either personally or by mail, a copy of the affidavit of exemption, together with a writing, signed by the levying officer, stating that the claim to exemption has been received and that the officer will release the property unless he receives from the creditor a counteraffidavit within five days after service of such writing.

(3) If the creditor desires to contest the claim to exemption, he shall within such period of five days, file with the levying officer a counteraffidavit alleging that the property is not exempt within the meaning of the section or sections relied upon, or if the claim to exemption be based on Sections 690.1, 690.3, 690.6, 690.8, 690.9, 690.12, 690.17, 690.18, 690.21, 690.24, alleging that the value of the property claimed to be exempt is in excess of the value stated in the applicable section or sections, together with proof of service of a copy of such counteraffidavit upon the debtor.

(4) If no such counteraffidavit, with such proof of service, is so filed with the levying officer within the time allowed, the officer shall forthwith release the property.

(5) If such counteraffidavit, with such proof of service, is so filed, either the creditor or the debtor shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the claim to exemption, the priority or division of payment between one or more creditors from nonexempt earnings under the provisions of Section 690.12, or the value of the property claimed to be exempt. Such hearing must be granted by the court upon motion of either party made within five days

after the counteraffidavit is filed with the levying officer, and such hearing must be had within 15 days from the date of the making of such motion unless continued by the court for good cause. The party making the motion for hearing must give not less than five days' notice in writing of such hearing to the levying officer and to the other party and specify therein that the hearing is for the purpose of determining the claim to exemption The notice may be of motion or of hearing and upon the filing of the notice with the clerk of court, the motion is deemed made.

(6) If neither party makes such motion within the time allowed, or if the levying officer shall not have been served with a copy of the notice of hearing within 10 days after the filing of the counteraffidavit. the levying officer shall forthwith release the property to the debtor.

(7) At any time while the proceedings are pending, upon motion of either party or upon its own motion, the court may (a) order the sale of any perishable property held by such officer and direct disposition of the proceeds of such sale; and (b) make such other orders as may be proper under the particular circumstances of the case. Any orders so made may be modified or vacated by the court or judge granting the same, or by the court in which the proceedings are pending. at any time during the pendency of the proceedings, upon such terms as may be just.

(8) The levying officer in all cases shall retain physical possession of the property levied upon if it be capable of physical possession, or in the case of property not capable of physical possession, the levy shall remain in full force and effect, pending the final determination of the claim to exemption; provided, however, that no sale under execution shall be had prior to such final determination unless an order of the court hearing the claim for exemption shall so provide.

(9) At such hearing, the party claiming the exemption shall have the burden of proof. The affidavits and counteraffidavits shall be filed by the levying officer with the court and shall constitute the pleadings, subject to the power of the court to permit an amendment in the interests of justice. The affidavit of exemption shall be deemed controverted by the counteraffidavit and both shall be received in evidence. Nothing herein contained shall be construed to deprive anybody of the right to a jury trial in any case where by the Constitution such right is given, but a jury trial shall be waived in any such case in like manner as in the trial of an action. No findings shall be required in a proceeding under this section. When the hearing is before the court sitting without a jury, and no evidence other than the affidavit and counteraffidavit is offered, the court if satisfied that sufficient facts are shown thereby, may make its determination thereon; otherwise, it shall order the hearing continued for the production of other evidence, oral or documentary, or the filing of other affidavits

and counteraffidavits. At the conclusion of the hearing, the court shall give judgment determining whether the claim to exemption shall be allowed or not, in whole or in part, and may give judgment determining the priority or division of payment between one or more creditors from nonexempt earnings under the provisions of Section 690.12, which judgment shall be determinative as to the right of the creditor to have the property taken and held by the officer or to subject the property to payment or other satisfaction of his judgment. In such judgment the court shall make all proper orders for the disposition of such property or the proceeds thereof.

(10) A copy of any judgment entered in the trial court shall be forthwith transmitted by the clerk to the levying officer in order to permit such officer to either release the property attached or to continue to hold it or sell it, in accordance with the provisions of the writ previously delivered to him. Such officer, unless an appeal from the judgment be waived, or the judgment has otherwise become final, shall continue to hold such property under attachment or execution, continuing the sale of any property held under execution until such judgment becomes final; provided, however, that if a claim to exemption under Section 690.11 be allowed by such judgment, the debtor shall be entitled to a release of the earnings so exempted at the expiration of three days, unless otherwise ordered by the court or unless the levying officer shall have been served with a copy of a notice of appeal from the judgment.

(11) When any documents required hereunder are served by mail, the provisions of this code relating to service by mail shall be applicable thereto.

(12) Whenever the time allowed for an act to be done hereunder is extended by the court, written notice thereof shall be given promptly to the opposing party, unless such notice be waived, and to the levying officer.

(13) An appeal lies from any judgment under this section; such appeal to be taken in the manner provided for appeals in the court in which the proceeding is had.

SEC. 3. Section 690 26 of the Code of Civil Procedure is amended and renumbered to read:

690 50. (1) If the property mentioned in Sections 690.1 to 690.29, inclusive, shall be levied upon under writ of attachment or execution, the defendant or judgment debtor (herein referred to as "the debtor"), in order to avail himself of his exemption rights as to such property, shall deliver to the levying officer an affidavit of himself or his agent, together with a copy thereof, alleging that the property levied upon, identifying it, is exempt, specifying the section or sections of this code on which he relies for his claim to exemption, and all facts necessary to support his claim, and also stating therein his address within this state for the purpose of permitting service by mail upon him of the counteraffidavit and any notice of the motion herein provided.

(2) Forthwith upon receiving the affidavit of exemption the levying officer shall serve upon the plaintiff or the person in whose favor the writ runs (herein referred to as "the creditor"), either personally or by mail a copy of the affidavit of exemption, together with a writing, signed by the levying officer, stating that the claim to exemption has been received and that the officer will release the property unless he receives from the creditor a counteraffidavit within five days after service of such writing.

(3) If the creditor desires to contest the claim to exemption, he shall within such period of five days, file with the levying officer a counteraffidavit alleging that the property is not exempt within the meaning of the section or sections relied upon, or if the claim to exemption be based on Sections 690.2, 690.3, 690.4, 690.6, 690.7, alleging that the value of the property claimed to be exempt is in excess of the value stated in the applicable section or sections, together with proof of service of a copy of such counteraffidavit upon the debtor.

(4) If no such counteraffidavit, with such proof of service, is so filed with the levying officer within the time allowed, the officer shall forthwith release the property.

(5) If such counteraffidavit, with such proof of service, is so filed, either the creditor or the debtor shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the claim to exemption, the priority or division of payment between one or more creditors from nonexempt earnings under the provisions of Section 690.53, or the value of the property claimed to be exempt. Such hearing must be granted by the court upon motion of either party made within five days after the counteraffidavit is filed with the levying officer, and such hearing must be had within 15 days from the date of the making of such motion unless continued by the court for good cause. The party making the motion for hearing must give not less than five days' notice in writing of such hearing to the levying officer and to the other party and specify therein that the hearing is for the purpose of determining the claim to exemption The notice may be of motion or of hearing and upon the filing of the notice with the clerk of court, the motion is deemed made.

(6) If neither party makes such motion within the time allowed, or if the levying officer shall not have been served with a copy of the notice of hearing within 10 days after the filing of the counteraffidavit, the levying officer shall forthwith release the property to the debtor

(7) At any time while the proceedings are pending, upon motion of either party or upon its own motion, the court may (a) order the sale of any perishable property held by such officer and direct disposition of the proceeds of such sale; and (b) make such other orders as may be proper under the particular circumstances of the case. Any orders so made may be

modified or vacated by the court or judge granting the same, or by the court in which the proceedings are pending, at any time during the pendency of the proceedings, upon such terms as may be just.

(8) The levying officer in all cases shall retain physical possession of the property levied upon if it be capable of physical possession, or in the case of property not capable of physical possession, the levy shall remain in full force and effect, pending the final determination of the claim to exemption; provided, however, that no sale under execution shall be had prior to such final determination unless an order of the court hearing the claim for exemption shall so provide.

(9) At such hearing, the party claiming the exemption shall have the burden of proof. The affidavits and counteraffidavits shall be filed by the levying officer with the court and shall constitute the pleadings, subject to the power of the court to permit an amendment in the interests of justice. The affidavit of exemption shall be deemed controverted by the counteraffidavit and both shall be received in evidence. Nothing herein contained shall be construed to deprive anybody of the right to a jury trial in any case where by the Constitution such right is given, but a jury trial shall be waived in any such case in like manner as in the trial of an action No findings shall be required in a proceeding under this section. When the hearing is before the court sitting without a jury, and no evidence other than the affidavit and counteraffidavit is offered, the court is satisfied that sufficient facts are shown thereby, may make its determination thereon; otherwise, it shall order the hearing continued for the production of other evidence, oral or documentary, or the filing of other affidavits and counteraffidavits. At the conclusion of the hearing, the court shall give judgment determining whether the claim to exemption shall be allowed or not, in whole or in part, and may give judgment determining the priority or division of payment between one or more creditors from nonexempt earnings under the provisions of Section 690.53, which judgment shall be determinative as to the right of the creditor to have the property taken and held by the officer or to subject the property to payment or other satisfaction of his judgment In such judgment the court shall make all proper orders for the disposition of such property or the proceeds thereof.

(10) A copy of any judgment entered in the trial court shall be forthwith transmitted by the clerk to the levying officer in order to permit such officer to either release the property attached or to continue to hold it or sell it, in accordance with the provisions of the writ previously delivered to him. Such officer, unless an appeal from the judgment be waived, or the judgment has otherwise become final, shall continue to hold such property under attachment or execution, continuing the sale of any property held under execution until such judgment becomes final; provided, however, that if a claim to exemption under Section 690.6 be allowed by such judgment,

the debtor shall be entitled to a release of the earnings so exempted at the expiration of three days, unless otherwise ordered by the court or unless the levying officer shall have been served with a copy of a notice of appeal from the judgment.

(11) When any documents required hereunder are served by mail, the provisions of this code relating to service by mail shall be applicable thereto.

(12) Whenever the time allowed for an act to be done hereunder is extended by the court, written notice thereof shall be given promptly to the opposing party, unless such notice be waived, and to the levying officer.

(13) An appeal lies from any judgment under this section; such appeal to be taken in the manner provided for appeals in the court in which the proceeding is had.

SEC. 4. Section 690.53 is added to the Code of Civil Procedure, to read:

690.53. In any case where more than one judgment creditor has levied an execution upon nonexempt earnings of the debtor, the court shall determine the priority and division of payment among all of such creditors who have so levied an execution upon such basis as is just and equitable.

Any such creditor, upon motion, shall be entitled to a hearing in the court from which the writ issued for the purpose specified in this section.

SEC. 5. Section 3 of this act shall become operative only if Assembly Bill No. 1208 of the 1968 Regular Session is enacted and amends and renumbers Section 690.26 of the Code of Civil Procedure, and in such case at the same time as the amendment and renumbering of Section 690.26, as contained in Assembly Bill No. 1208 becomes operative, in which event Section 690.26 of the Code of Civil Procedure, as amended by Section 2 of this act, is repealed.

SEC. 6. Section 4 of this act shall become operative only if Assembly Bill No. 1208 of the 1968 Regular Session is enacted, and in such case at the same time as Assembly Bill No. 1208 becomes operative, in which event Section 690.12 of the Code of Civil Procedure, as added by Section 1 of this act, is repealed.

CHAPTER 1421

An act to amend Section 395.1 of the Military and Veterans Code, relating to rights and benefits of persons ordered to active military duty.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 395.1 of the Military and Veterans Code is amended to read:

395.1. (a) Notwithstanding any other provision of law to the contrary, any public officer, deputy, assistant, or employee of the state, or of any city, county, city and county, school district, water district, irrigation district, or any other district, political corporation, political subdivision, or governmental agency thereof who, in time of war or national emergency as proclaimed by the President or Congress, or when any of the armed forces of the United States are serving outside of the United States or their territories pursuant to order or request of the United Nations, or while any national conscription act is in effect, leaves or has left his office or position prior to the end of the war, or the termination of the national emergency or during the effective period of any such order or request of the United Nations or prior to the expiration of the National Conscription Act, to join the armed forces of the United States and who does or did without unreasonable and unnecessary delay join the armed forces or, being a member of any reserve force or corps of any of the armed forces of the United States or of the militia of this state, is or was ordered to duty therewith by competent military authority and served or serves in compliance with such orders, shall have a right, if released, separated or discharged under conditions other than dishonorable, to return to and reenter upon the office or position within three months after the termination of his active service with the armed forces, but not later than six months after the end of the war or national emergency or military or police operations under the United Nations or after the Governor finds and proclaims that, for the purposes of this section, the war, national emergency, or United Nations military or police operation no longer exists, or after the expiration of the National Conscription Act, if the term for which he was elected or appointed has not ended during his absence; provided, that such right to return to and reenter upon the office or position shall not extend to or be granted to such public officer, deputy, assistant, or employee of the state, or of any city, county, city and county, school district, water district, irrigation district or any other district, political corporation, political subdivision or governmental agency thereof, who shall fail to return to and reenter upon his office or position within 12 months after the first date upon which he could terminate or could cause to have terminated his active service with the armed forces of the United States or of the militia of this state. He shall also have a right to return to and reenter upon the office or position during terminal leave from the armed forces and prior to discharge, separation or release therefrom.

(b) Upon such return and reentry to the office or employment the officer or employee shall have all of the rights and privileges in, connected with, or arising out of the office or employment which he would have enjoyed if he had not been absent therefrom; provided, however, such officer or employee

shall not be entitled to sick leave, vacation or salary for the period during which he was on leave from such governmental service and in the service of the armed forces of the United States.

If the office or position has been abolished or otherwise has ceased to exist during his absence, he shall be reinstated in a position of like seniority, status and pay if such position exists, or to a comparable vacant position for which he is qualified.

(c) Any officer or employee other than a probationer who is restored to his office or employment pursuant to this act shall not be discharged from such office or position without cause within one year after such restoration, and shall be entitled to participate in insurance or other benefits offered by the employing governmental agency pursuant to established rules and practices relating to such officers or employees on furlough or leave of absence in effect at the time such officer or employee left his office or position to join the armed forces of the United States.

(d) Notwithstanding any other provisions of this code, any enlisted person who was involuntarily ordered to active duty (other than for training) for a stated duration shall not lose any right or benefit conferred under the provisions of this code if he voluntarily elects to complete the period of such duty.

CHAPTER 1422

An act to add Section 19455 to the Government Code, relating to disabled state employees.

[Approved by Governor August 21, 1968 Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 19455 is added to the Government Code, to read:

19455. The board and the Department of Rehabilitation shall jointly formulate procedures for the selection and orderly referral of disabled state employees who can be benefited by rehabilitation services and might be retrained for other appropriate positions within the state service. The Department of Rehabilitation shall cooperate in devising training programs for the disabled employees.

CHAPTER 1423

An act to amend Section 986.4 of the Military and Veterans Code, relating to veterans' farm and home purchase loans.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 986.4 of the Military and Veterans Code is amended to read:

986.4. The department shall not acquire a home under the provisions of this article where the market value of the improvements exceeds the sum of thirty-five thousand dollars ($35,000), to be determined by an appraiser or an authorized representative of the department.

CHAPTER 1424

An act to add Article 1.6 (commencing with Section 13200) to Chapter 2 of Division 10 of the Education Code, relating to teacher credentialing.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Article 1.6 (commencing with Section 13200) is added to Chapter 2 of Division 10 of the Education Code, to read:

Article 1.6. Licensing of Certificated Personnel Law of 1968

13200. Notwithstanding the provisions of Section 13187 to the contrary, the State Board of Education shall issue a probationary credential, limited to a two-year period, to any person who has been graduated with a baccalaureate degree from an institution approved by the board and who has received a composite score at or above the 50th percentile on the most widely used graduate record examination given to college graduates and applicants for admission to graduate school. Such examination shall include verbal and quantitative aptitude tests and three achievement tests in the broad categories of the humanities, natural sciences, and social sciences.

Any person applying for a credential under the provisions of this section shall submit to the board: (1) a testament of acceptable moral character and physical health signed by a tenured faculty member and the president of the college from which he graduated; (2) a formal offer of employment from

a school district; and (3) evidence of successful passage of the graduate record examination required by this section.

13200.1. The State Board of Education shall issue not more than 100 such credentials, and may consult with and receive the recommendations of the University of California and the California State Colleges in the selection of persons to whom credentials may be issued pursuant to this section. Specific preference shall be given to persons who may be expected to pursue public education as an uninterrupted career.

13200.2. A probationary credential issued pursuant to this article shall be granted for not to exceed a two-year period and shall be replaced not later than the expiration of such period by a permanent credential; provided, that the holder of such a credential receives an affirmative certification as provided in Section 13200.3, and on the condition that such person completes within five years either: (a) one year of postgraduate study, in courses selected by such person as he deems appropriate for his present or potential teaching assignments, or (b) a course of training and experience prescribed by and under the direction of the governing board of the employing district, to include at least in-service training, which course shall be designed to provide the equivalent in experience to such one year of postgraduate study. The governing board of the employing school district shall certify to the individual's successful completion of such training.

13200.3. A probationary credential issued pursuant to this article shall authorize the holder to teach in any school district which employs as a district superintendent, or as the chief administrative employee of the district, a person who is a holder of any valid standard or general administration credential.

Such district superintendent or chief administrative employee shall certify to the Superintendent of Public Instruction, at any time after one school year of full-time teaching but within two years of employment of a holder of a probationary credential, whether such holder possesses acceptable professional abilities as indicated by classroom performance. Upon an affirmative certification, the State Board of Education shall immediately issue such holder a credential upon the condition that such holder complete the additional work provided for in Section 13200.2 within five years. Upon a negative certification, the probationary credential shall expire immediately.

13200.4. The probationary credential shall authorize the holder to teach at the elementary or secondary level in the public schools; provided, that if certification pursuant to Section 13200.3 has been obtained at one level, within one year of employment of such holder at the other level, the district superintendent or chief administrative employee shall certify the professional abilities as required in Section 13200.3.

13200.5. The school district employing a holder of a probationary credential may require either or both of the following:

(a) A demonstrated subject matter expertise as shown by the successful completion of an examination as developed by the Department of Education and approved by the State Board of Education;

(b) Practice teaching, for reasonable remuneration, in the summer school of the district during a summer preceding his employment.

13200.6. The governing board of a school district may employ a person certificated pursuant to this article for service in the public schools.

13200.7. It is the intent and purpose of the Legislature, by the provisions of this article, to:

(a) Provide a procedure for the certification of public school personnel which shall be an alternative to that provided for in Article 1.5 (commencing with Section 13187) of this chapter, and which shall be based upon superior academic achievement and demonstrated competence in the classroom; and

(b) Test the feasibility of such procedure as an alternative means of providing high quality certificated personnel for California public schools.

SEC. 2. The Department of Education shall submit to the Legislature on or before the fifth legislative day of the 1971 Regular Session, a comprehensive report on all phases of the experimental credential program provided by this act, and shall include recommendations concerning the feasibility of such program.

SEC. 3. Section 1 of this act shall remain in effect until the 61st day after final adjournment of the 1970 Regular Session of the Legislature and shall have no force or effect after that date.

CHAPTER 1425

An act to add Article 1.6 (commencing with Section 13599) to Chapter 3 of Division 10 of the Education Code, relating to employment of instructional aides in public schools.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Article 1.6 (commencing with Section 13599) is added to Chapter 3 of Division 10 of the Education Code, to read:

Article 1.6. Instructional Aides

13599. This article may be cited as the Instructional Aide Act of 1968. The provisions of this article shall apply to personnel referred to in Sections 931.5, 6458, 6481.5, 6481.6, 6499.5, 13253, 13253.5, and 16625.01 of this code or any other

section heretofore or hereafter enacted, who perform the duties of instructional aides.

13599.1. The Legislature recognizes the need to provide classroom teachers and other certificated personnel with more time to teach and to provide the means for them to utilize their professional knowledge and skills more effectively in the educational programs of the public schools. It is the intent of the Legislature to authorize the employment of instructional aides in order that classroom teachers and other certificated personnel may draw upon the services of such aides to assist them in ways determined to be useful in improving the quality of educational opportunities for pupils.

13599.2. Instructional aides shall not be utilized to increase the number of pupils in relation to the number of classroom teachers in any school, any school district, or in the state.

All instructional aide positions in a school district shall be assigned the basic title of "instructional aide." To provide for differences in responsibilities and duties, additions to the basic title may be assigned such as "instructional aide I or II" or "instructional aide—volunteer," or other appropriate title designated by the governing board.

13599.3. (a) As used in this article, "instructional aide" means a person employed to assist classroom teachers and other certificated personnel in the performance of their duties and in the supervision of pupils and in instructional tasks which, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher.

(b) "Any school district" means a school district or a county superintendent of schools who employs classroom teachers in the public schools.

13599.4. (a) Subject to the provisions of this article, any school district may employ instructional aides to assist classroom teachers and other certificated personnel in the performance of duties as defined in Section 13599.3. An instructional aide shall perform only such duties as, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to pupils. An instructional aide need not perform such duties in the physical presence of the teacher but the teacher shall retain his responsibility for the instruction and supervision of the pupils in his charge.

(b) Educational qualifications for instructional aides shall be prescribed by the school district employer and shall be appropriate to the responsibilities to be assigned.

13599.5. Notwithstanding the provisions of Section 10751, no instructional aide shall give out any personal information concerning any pupil who is not his own child or ward, except under judicial process, to any person other than a teacher or administrator in the school which the pupil attends. A violation

of this section may be a cause for disciplinary action, including dismissal.

13599.6. Classroom teachers and other certificated personnel shall not be required to hold a standard supervision credential or a standard administration credential as a prerequisite to the supervision and direction of instructional aides.

13599.7. (a) An instructional aide shall not be deemed a certificated employee for the purposes of apportioning state aid and no regrouping of pupils with instructional aides shall be construed as a class for apportionment purposes.

(b) Instructional aides shall be classified employees of the district, and shall be subject to all of the rights, benefits, and burdens of the classified service, except as specified in Section 13581.2 for "restricted" positions.

13599.8. The school district shall pay to each person employed as an instructional aide compensation at a rate not less than the minimum hourly rate prescribed by federal law.

13599.9. Notwithstanding the provisions of this article, or any other provisions of law, a school district may utilize volunteers in the supervision and instruction of pupils, but any such volunteer shall be subject to the provisions of Section 931.5 and this article.

CHAPTER 1426

An act relating to handicapped children, and making an appropriation therefor.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Out of any funds made available for such purpose, the Department of Public Health shall allocate moneys for the establishment and maintenance for the period of three years of a pilot program for the diagnosis and treatment of children suffering from hyaline membrane, the results of such program to be reported annually to the Legislature.

SEC. 2. The sum of two hundred thousand dollars ($200,000) is hereby appropriated from the General Fund to the State Department of Public Health for expenditure during the 1968–69 fiscal year for diagnostic and treatment services for children suffering from hyaline membrane and the collection of data regarding the cost of providing care for hyaline membrane, pursuant to Article 2 (commencing with Section 249) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

CHAPTER 1427

An act to add Section 1066 to the Education Code, relating to school service agreements.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 1066 is added to the Education Code, to read:

1066. The governing board of any school district or the county superintendent of schools with the approval of the county board of education may enter into an agreement or agreements to render any services which may be provided children enrolled in nonpublic schools within the district or within the area under jurisdiction of the county superintendent of schools under the act of Congress entitled "Elementary and Secondary Education Act of 1965" (P.L. 89-10). Any such agreement shall provide for the payment for services of an amount not less than cost of rendering such service.

All funds received by a county superintendent of schools under this section shall be paid by him into the county treasury to the county school service fund and all funds received by the governing board of a school district under this section shall be paid by it into the county treasury to the credit of the general fund of the district.

CHAPTER 1428

An act to add Sections 231 and 279 to the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 231 is added to the Revenue and Taxation Code, to read:

231. (a) Property which is owned by a nonprofit corporation and leased to, and used exclusively by, government for its interest and benefit shall be exempt from taxation within the meaning of "charitable purposes" in Section 1c of Article XIII of the Constitution of California if:

(1) All of the provisions of Section 214 are complied with, except subdivision (6). For purposes of subdivision (6) of Section 214, irrevocable dedication to charitable purpose shall be deemed to exist if the lease provides that the property shall be transferred in fee to the entity of government leasing the same upon the sooner of either the liquidation, dissolution or

abandonment of the owner or at the time the last rental payment is made under the provisions of the lease.

(2) All of the provisions of Section 254.5 relating to owners are complied with, commencing during calendar year 1969.

(3) All of the provisions of Section 214.01 are complied with by March 15, 1970.

(b) As used in this section "property" means:

(1) Any building or structure of a kind or nature which is uniquely of a governmental character and includes, but is not limited to, the following:

(A) City halls.

(B) Courthouses.

(C) Administration buildings.

(D) Police stations, jails or detention facilities.

(E) Fire stations.

(F) Parks or playgrounds.

(2) Any other property required for the use and occupation of the buildings and leased to government.

(3) Any possessory interest of the nonprofit corporation in property and in the land upon which the property was constructed and so much of the surrounding land that is required for the use and occupation of the property.

(4) Any building and its equipment in the course of construction on or after the first Monday of March, 1954, together with the land on which it is located as may be required for the use and occupation of the building when such building and equipment is being constructed for the sole purpose of being leased to government to lessen its burden.

"Uniquely of a governmental character" means the property is not intended to produce income or revenue in the form of rents or admission, user or service fees, or charges.

(c) As used in this section "property" does not include any possessory interest of any person or organization not exempt from taxation.

(d) As used in this section "nonprofit corporation" means a community chest, fund, foundation or corporation, not conducted for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual and such nonprofit corporation is organized and operated for the sole purpose of leasing property to government and to lessen the burden of government and, in fact, only leases property to government. Such nonprofit corporation shall qualify as an exempt organization under Section 23701(f) of this code or Section 501(c)(4) of the Internal Revenue Code of 1954. This subdivision is not intended to enlarge the "welfare exemption" to apply to organizations qualified under Section 501(c)(4) of the Internal Revenue Code of 1954 but not otherwise qualified for the "welfare exemption" under this section. Nonprofit corporations meeting the tests of this subdivision are deemed to be organized and operated for charitable purposes.

(e) As used in this section "government" means the State of California, a city, city and county, and county.

(f) The exemption provided for in this section shall be deemed to be within the "welfare exemption" for purposes of Section 251.

(g) For leases first entered into by and between government and nonprofit corporation on or after January 1, 1969, all requirements of this section shall be met for the property and the nonprofit corporation to qualify for the exemption provided by this section.

(h) For leases first entered into by and between government and nonprofit corporation on or before December 31, 1968, all requirements of this section shall be met except that the last unnumbered paragraph of subdivision (b) shall not apply and for the purposes of subdivision (b)(1) the list of real property qualifying for this exemption includes community recreation buildings or facilities, golf courses, airports, water, sewer and drainage facilities, music centers and their related facilities, and public parking incidental to and in connection with one of the buildings or structures set forth in this section.

(i) Property exempt under this section shall be located within the boundaries of the entity of government leasing the same.

(j) Where the construction has commenced on or after January 1, 1969, improvements shall be advertised and put to competitive bid to qualify for the exemption provided by this section.

SEC. 2 Section 279 is added to the Revenue and Taxation Code, to read:

279. (a) Any tax or penalty or interest thereon for any fiscal year commencing during calendar years 1967 or 1968 on property owned by a nonprofit corporation qualified for the exemption provided in Section 231 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 has been erroneously collected, if application for such cancellation and refund is made on or before January 15, 1970.

(b) Prior to any cancellation and refund provided in subdivision (a) an affidavit for the exemption required in Section 251 shall be filed in duplicate on or before March 15, 1969 with the assessor concerned and shall be accompanied by duplicate certified copies of the financial statements of the owner. Copies of the affidavit and financial statement shall be forwarded not later than April 1, 1969 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 to ascertain whether the owner meets the re-

quirements of Section 231 of this code. In this connection, the board shall consider, among other matters, whether:

(1) The services and expenses of the owner (including salaries) are excessive, based upon like services and salaries in comparable public institutions.

(2) The operations of the owner, either directly or indirectly, materially enhance the private gain of any individual or individuals.

(3) Any capital investment of the owner for expansion of physical plant is justified by the contemplated return thereon, and required to serve the interests of the community.

The board shall make a finding as to the eligibility of each applicant and the property of each applicant and shall forward its finding to the assessor concerned not later than June 1, 1969. The assessor may deny the claim of any applicant the board finds eligible but may not grant the claim of an applicant the board finds ineligible.

CHAPTER 1429

An act to amend Section 13555 of the Welfare and Institutions Code, relating to aid to the disabled.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 13555 of the Welfare and Institutions Code is amended to read:

13555. The department shall make the determination as to permanent impairment and total disability and may make such determination in the county involved.

The department shall take all necessary steps to expedite determinations in time to prevent loss of federal sharing money.

CHAPTER 1430

An act to add Section 11724 to the Health and Safety Code, relating to marijuana.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 11724 is added to the Health and Safety Code, to read:

11724. The fact that a person is or has been, or is suspected of being, a user of marijuana is not alone sufficient grounds upon which to invoke Section 11722 or 11723.

This section shall not be construed to limit the discretion of a judge to invoke Section 11722 or 11723 if the court has reason to believe a person is or has been a user of narcotics or drugs other than marijuana.

CHAPTER 1431

An act to amend Section 19584 of the Government Code, relating to state civil service.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 19584 of the Government Code is amended to read:

19584. Whenever the board revokes or modifies a punitive action and orders that the employee be returned to his position it shall direct the payment of salary to the employee for such period of time as the board finds the punitive action was improperly in effect.

Salary shall not be authorized or paid for any portion of a period of punitive action that the employee was not ready, able, and willing to perform the duties of his position, whether such punitive action is valid or not or the causes on which it is based state facts sufficient to constitute cause for discipline.

From any such salary due there shall be deducted compensation that the employee earned, or might reasonably have earned, during any period commencing more than six months after the initial date of the suspension.

CHAPTER 1432

An act to add Section 35005 to the Government Code, relating to city annexations.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 35005 is added to the Government Code, to read:

35005. When an annexation or incorporation causes the loss of customers served by a person operating under county franchise, license or permit and engaged for more than three years in private refuse collection and disposal service, the city shall permit such person to continue service for a period of three years provided the service meets the quality and fre-

quency of service required by the city or provided in other areas of the city not served by such person.

Nothing in this section shall be construed to limit the right of the city or the operator to provide for a termination of business prior to the three years upon mutually satisfactory terms of settlement.

CHAPTER 1433

An act to add Article 4 (commencing with Section 471) to Chapter 3 of Division 2 of the Education Code, relating to the California Education Information System.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Article 4 (commencing with Section 471) is added to Chapter 3 of Division 2 of the Education Code, to read:

Article 4. California Education Information System

471. It is the intent of the Legislature in enacting this article to make complete, current, and reliable information relating to education available to the Legislature and to all public educational agencies in California at maximum efficiency and economy through statewide compatibility in the development and application of information systems and electronic data processing techniques insofar as they relate to data required in reports to the Department of Education.

472. There is in the Department of Education the California Education Information System, hereinafter in this article called "the system." The function of the system is to establish, conduct, and by continuous concern keep up to date a basic, integrated, statewide information system for education.

473. In establishing, maintaining, and operating the system, the department shall:

(a) Consult and cooperate with school districts, county superintendents, advisory committees on integrated data processing, task forces for implementing the development and utilization of a statewide information system, intergovernmental boards on electronic data processing and state electronic data processing policy committees created by statute or by executive order of the Governor.

(b) Cooperate with the Advisory Commission on School District Budgeting and Accounting in all matters relating to program budgeting.

(c) Maintain the system by incorporating necessary or desirable changes, modifications, and improvements.

(d) Provide sufficient flexibility within the system to allow local and state educational agencies to meet all of their educational information needs.

474. In establishing and conducting the system, the department may consult and cooperate with public and private agencies and with educators and information specialists at the district, county, regional, state, and national levels.

475. School districts maintaining kindergarten or any grade of grades 1 through 12, county superintendents of schools, and the department shall:

(a) Cooperate and consult in the joint development, establishment, and conduct of the system.

(b) Coordinate information-processing activities to preclude duplication of the developmental and operational aspects of the system.

(c) Conduct educational information-processing activities in accordance with regulations of the State Board of Education adopted pursuant to this article.

476. The information-processing capabilities of the system shall include, but not be limited to, the following:

(a) Provision of a statewide common data base for educational research and other uses in education.

(b) Interchange of data with other educational institutions, including colleges and universities, and other agencies concerned with information about education.

(c) Machine processing aid to decisionmaking in educational administration and the use of modern management tools.

(d) Reduction of routine clerical activities in educational agencies.

(e) Facilitation of preparation of reports required by state and federal agencies.

(f) Support of functions of the Advisory Commission on School District Budgeting and Accounting.

477. The department, in its establishment and conduct of the system shall, among other things:

(a) Develop for statewide educational use standards for:

(1) Coding structures.

(2) Common data base.

(3) File layout and design.

(4) Flow charts.

(5) Identification of data items.

(6) Input documentation and formats.

(7) Output report formats, including those required by local, county, state, and federal agencies.

(8) Procedural manuals.

(9) System design.

(10) Terminology.

(11) Other relevant material.

(b) Make available, without charge, to school districts, county superintendents, and other public agencies the system components, described in subdivision (a), as they are completed.

(c) Establish a pilot data processing center to test systems, components, and procedures, and, when feasible, identify as centers to develop or demonstrate the appropriate use of the system and the system's procedures, those districts, county superintendents, and other public agencies that are successfully using the various components of the system.

(d) Establish safeguards to assure only appropriate access to confidential information.

(e) Disseminate information about the system, and its use and availability, including documentation, and procedural and operations manuals.

(f) Adopt regulations to implement this article.

478. The regulations adopted pursuant to Section 477 shall, among other things:

(a) Require that the department and school districts use the system's standard terminology and formats specified in Section 477 as the basis for all reports and other data specified in this code and related administrative codes.

(b) Provide departmental coordination in order to preclude costly duplication of the developmental and operational aspects of materials, equipment, programming, systems and procedures.

(c) Recognize that wise and appropriate use of automatic data processing technology need not be restricted by school district or other boundaries.

479. The system is intended to provide a basic package of services to school districts that will facilitate the gathering of data required for reporting to the state. An annual survey shall be made of school district participation in the system. The results of such surveys shall be annually reported to the Legislature, and the first such report shall be submitted no later than the fifth legislative day of the 1970 Regular Session of the Legislature.

480. There is in the Department of Education a state advisory committee on integrated data processing, the members of which shall be appointed by, and serve at the pleasure of, the Superintendent of Public Instruction.

The members of the committee shall serve without compensation but shall be reimbursed for necessary travel and expenses incurred in the performance of their duties

481. The department may accept federal or other funds for the purpose of financing activities pursuant to this article. School districts and county offices of education may assign to the department funds or other resources which may be identified in their budgets for planning, developing, or coordinating activities related to this article

482. The State Board of Education shall make recommendations to the Legislature as the state board deems appropriate concerning appropriate or necessary legislation related to this article.

SEC. 2. The expenses incurred by the Department of Education and the State Board of Education in carrying out the

purposes and intent of Article 4 (commencing with Section 471) of Chapter 3 of Division 2 of the Education Code shall be financed by federal funds which are to be provided under the Elementary and Secondary Education Act (Public Law 89-10).

The State Board of Education, in approving any state plans for the administration of federal funds to be received under the provisions of Title III of the Elementary and Secondary Education Act of 1965, shall assure that in 1968–1969, two hundred seventy-six thousand dollars ($276,000), in 1969–1970, three hundred twenty-eight thousand dollars ($328,000), and in 1970–1971, three hundred sixty-four thousand dollars ($364,000), shall be reserved and allocated to applicants designated in subdivisions (a) and (b) of Section 473 of the Education Code for such funds, or the State Board of Education shall approve State Department of Education use of funds identified for the administrative aspects of Title III of the Elementary and Secondary Education Act of 1965 for the purposes of Article 4 (commencing with Section 471) of Chapter 3 of Division 2 of the Education Code.

CHAPTER 1434

An act to amend Section 321 of the Military and Veterans Code, relating to enlisted men and making an appropriation therefor.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 321 of the Military and Veterans Code is amended to read:

321. Enlisted men while on active duty in the service of the state shall receive the same pay and allowances except family allowances as enlisted men of similar grade in the United States Army, United States Air Force, and United States Navy, except that enlisted men in the pay grade of E1 through E5 ordered to active duty pursuant to Section 143 or 146 of this code shall receive not less than twelve dollars and eighty cents ($12.80) per day while on such active duty provided that such enlisted men certify that the total pay from their civilian employment received during such periods of active duty and their normal military pay and allowances does not exceed twelve dollars and eighty cents ($12.80) per day. It is the intent of the Legislature that the foregoing minimum payments to enlisted men in the pay grade of E1 through E5 may be paid from the State Emergency Fund when in the judgment of the Director of Finance there is a case of actual necessity for which no appropriation has been made. All full-

time active duty heretofore or hereafter performed in the service of the state shall be credited for purposes of determining longevity and service within the provisions of this section and Section 340 of this code.

CHAPTER 1435

An act to amend Sections 17461 and 17462 of the Revenue and Taxation Code, relating to the Personal Income Tax Law.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 17461 of the Revenue and Taxation Code is amended to read:

17461. (a) For the purposes of Article 1 (commencing with Section 17321) to Article 7 (commencing with Section 17431), inclusive, of this chapter, the term "reorganization" means—

(1) A statutory merger or consolidation;

(2) The acquisition by one corporation, in exchange solely for all or a part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of stock of another corporation if, immediately after the acquisition, the acquiring corporation has control of such other corporation (whether or not such acquiring corporation had control immediately before the acquisition);

(3) The acquisition by one corporation, in exchange solely for all or a part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of substantially all of the properties of another corporation, but in determining whether the exchange is solely for stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded;

(4) A transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor, or one or more of its shareholders (including persons who were shareholders immediately before the transfer), or any combination thereof, is in control of the corporation to which the assets are transferred; but only if, in pursuance of the plan, stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under Sections 17432 to 17439, inclusive;

(5) A recapitalization; or

(6) A mere change in identity, form, or place of organization, however effected.

(b) (1) If a transaction is described in both paragraph (3) and paragraph (4) of subdivision (a), then, for purposes of this chapter, such transactions shall be treated as described only in paragraph (4) of subdivision (a).

(2) If—

(A) One corporation acquires substantially all of the properties of another corporation,

(B) The acquisition would qualify under paragraph (3) of subdivision (a) but for the fact that the acquiring corporation exchanges money or other property in addition to voting stock, and

(C) The acquiring corporation acquires, solely for voting stock described in paragraph (3) of subdivision (a), property of the other corporation having a fair market value which is at least 80 percent of the fair market value of all of the property of the other corporation,

then such acquisition shall (subject to paragraph (1) of this subdivision) be treated as qualifying under paragraph (3) of subdivision (a). Solely for the purpose of determining whether subparagraph (C) of the preceding sentence applies, the amount of any liability assumed by the acquiring corporation, and the amount of any liability to which any property acquired by the acquiring corporation is subject, shall be treated as money paid for the property.

(3) A transaction otherwise qualifying under paragraph (1), paragraph (2) or paragraph (3) of subdivision (a) shall not be disqualified by reason of the fact that part or all of the assets which were acquired in the transaction are transferred to a corporation controlled by the corporation acquiring such assets.

SEC. 2. Section 17462 of the Revenue and Taxation Code is amended to read:

17462. For purposes of this article, the term "a party to a reorganization" includes—

(a) A corporation resulting from a reorganization, and

(b) Both corporations, in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another.

In the case of a reorganization qualifying under paragraph (2) or paragraph (3) of subdivision (a) of Section 17461, if the stock exchange for the stock or properties is stock of a corporation which is in control of the acquiring corporation, the term "a party to reorganization" includes the corporation so controlling the acquiring corporation. In the case of a reorganization qualifying under paragraph (1), paragraph (2) or paragraph (3) of subdivision (a) of Section 17461 by reason of paragraph (3) of subdivision (b) of Section 17461, the term "a party to a reorganization" includes the corporation

controlling the corporation to which the acquired assets or stock are transferred.

SEC. 3. Sections 1 and 2 of this act shall be effective for the tax years beginning after December 31, 1967.

CHAPTER 1436

An act to amend Section 15950 of the Government Code, relating to relocation assistance in connection with property acquisition for the California State Colleges.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 15950 of the Government Code is amended to read:

15950. As used in this chapter:

(a) "State agency" means the Department of Water Resources when acquiring real property or any interest therein for public use with funds from the California Water Resources Development Bond Fund, the Department of Parks and Recreation when making such an acquisition with funds from the State Beach, Park, Recreational, and Historical Facilities Fund, or the Trustees of the California State Colleges or the Regents of the University of California when making such an acquisition from any fund appropriated after September 1, 1968 for such acquisition.

(b) "Eligible person" means any individual, family, business concern, farm or nonprofit organization to be displaced by a state construction project.

(c) "Construction project" means the acquisition of real property or any interest therein for public use by a state agency designated in subdivision (a) from the applicable fund designated in subdivision (a).

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

(e) "Moving expenses" means the packing, loading, transportation, unloading and unpacking of personal property.

CHAPTER 1437

An act to amend Section 1 of Chapter 1629 of the Statutes of 1967, relating to a study of harmful drugs and hallucinogenic substances, and making an appropriation therefor.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 1 of Chapter 1629 of the Statutes of 1967 is amended to read:

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

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

The department shall make annual preliminary reports of its findings and recommendations to the Legislature not later than March 15th of each year and shall make a final report of its findings and recommendations to the Legislature on or before the 15th day of the 1971 Regular Session of the Legislature.

SEC. 2. The sum of thirty-five thousand dollars ($35,000) is hereby appropriated from the General Fund to the Department of Education for the purpose of continuing the conduct of the study required by this act during the 1968–1969 fiscal year.

This appropriation shall not be made available for expenditure until the Superintendent of Public Instruction has certified to the State Controller that a request for federal funds under Title V of the Elementary and Secondary Education Act of 1965, for purposes of the study to be conducted pursuant to Section 1, has been denied.

CHAPTER 1438

An act to amend Sections 14005 and 14005.2 of the Welfare and Institutions Code, relating to medical assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 14005 of the Welfare and Institutions Code is amended to read:

14005. Health care and related remedial or preventive services, to the extent they are not provided under any other federal or state law or under other contractual or legal entitlements of the person, shall be provided under this chapter to any person who is a resident of the state and is:

(a) A recipient of public assistance; or

(b) A medically indigent adult person whose average monthly income in excess of the amount required for maintenance established pursuant to Section 14005.2 (exclusive of any amounts considered exempt as income under other provisions of this code pertaining to public assistance recipients) is not sufficient to provide for the cost of health care or coverage less any amount by which the value of his other resources, owned by him alone, or in combination with his spouse, exceeds the value established in accordance with Section 14006, or a reasonable portion of such value thereof as may be determined in accordance with standards established by the director; or

(c) A medically indigent family person in a family whose monthly family income in excess of the amount required for maintenance established pursuant to Section 14005.2, by family size (exclusive of any amounts considered exempt as income) is not sufficient to provide for the cost of health care or coverage less any amount by which the value of the family's other resources exceeds the value established in accordance with Section 14006, or a reasonable portion of such value thereof as may be determined in accordance with standards established by the director.

Health care shall also be provided after January 1, 1967 under this chapter and Chapter 8 of this part to any individual in the case of a catastrophic illness or accident, when the uninsured cost of care for such illness or accident exceeds 50 percent of the annual adjusted gross income of the individual and his immediate family, as established by an average of his federal income tax returns for the three preceding years. This paragraph shall apply only to those cases in which the federal government will participate financially in the assistance granted.

SEC. 2. Section 14005.2 of the Welfare and Institutions Code is amended to read:

14005.2. For the purposes of paragraphs (b) and (c) of Section 14005, the amount considered as required for maintenance, exclusive of special need, shall be:

2 persons	$187
3 persons	225
4 persons	286
5 persons	335
6 persons	375
7 or more persons	457

provided, however, the director, to meet the requirements of the Federal Social Security Act and insure the highest possible percentage of federal financial participation in the programs provided by this chapter and Chapter 8 (commencing with Section 14500), may decrease or increase the amounts set forth herein but in no event shall such amounts exceed the most liberal amount considered as required for maintenance under any public assistance program pursuant to this part.

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 recent amendment of the Federal Social Security Act changes the requirements as to the schedule of maintenance needs to be used by the state. Failure to meet the federal requirements by July 1, 1968 will mean a possible loss of substantial federal funds and require the reduction of needed medical services to indigent persons.

CHAPTER 1439

An act to amend Sections 680.1, 682.8, 683, 684, 684.8, 704, and 721 of, and to add Section 681.9 to, the Harbors and Navigation Code, relating to vessels, and making an appropriation therefor.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 680.1 of the Harbors and Navigation Code is amended to read:

680.1. The commission may promulgate rules and regulations for the registration of undocumented vessels belonging to the state or local public agencies without payment of any fee therefor.

SEC. 2. Section 681.9 is added to the Harbors and Navigation Code, to read:

681.9. The Department of Motor Vehicles shall be an authorized agent of the Department of Harbors and Watercraft for the issuance of certificates of number and temporary certificates of number pursuant to this article. Certificates of number and temporary certificates of number issued by the Department of Motor Vehicles in conformity with this article and the rules and regulations of the commission shall be valid as if issued directly by the Department of Harbors and Watercraft.

SEC. 3. Section 682.8 of the Harbors and Navigation Code is amended to read:

682.8. All fees received, except moneys collected under Section 685.2, pursuant to this article shall be deposited in the Harbors and Watercraft Revolving Fund and are appropriated for the administration of this article. The Department of Harbors and Watercraft shall reimburse the Department of Motor Vehicles for its actual expenses incurred in functioning as an agent of the Department of Harbors and Watercraft pursuant to Section 681.9. Any money in the fund which is not expended

for the administration of this article shall be expended in accordance with Section 85.2 of this code.

SEC. 4. Section 683 of the Harbors and Navigation Code is amended to read:

683. The owner shall furnish the department notice of the wrecking or junking, or the destruction or abandonment of such undocumented vessel within 15 days thereof. Such wrecking, junking, destruction or abandonment shall terminate the certificate of ownership and certificate of number of such undocumented vessel which if in existence shall be surrendered to the department.

SEC. 5. Section 684 of the Harbors and Navigation Code is amended to read:

684. The department shall transmit information from each initial application and each transfer application or renewal application to the county assessor in the county of residence of the owner of the vessel and to the county assessor in the county in which the vessel is principally kept if other than the county of residence of the owner, if such other county is known to the department. If an application shows that the owner of the vessel has changed his residence from one county to another county or shows that there has been a change in the county in which the vessel is principally kept, the department shall transmit information of the change to the assessor of the county in which the owner of the vessel formerly resided or to the assessor of the county in which the vessel formerly was principally kept. After the department receives a notice pursuant to Section 683, the department shall transmit information of the destruction or abandonment to the assessor of the county in which the owner of the vessel resides and to the assessor of the county in which the vessel is or was principally kept, if other than the county of residence of the owner, if such other county was known to the department.

SEC. 6. Section 684.8 of the Harbors and Navigation Code is amended to read:

684.8. No certificate of ownership shall be issued under this article for any "amphibious vehicle" for which a certificate of ownership may be issued by the Department of Motor Vehicles under the Vehicle Code.

For the purposes of this section, an "amphibious vehicle" is a device by which any person or property may be propelled, moved, or drawn both upon water and upon a highway on land.

SEC. 7. Section 704 of the Harbors and Navigation Code is amended to read:

704. An owner who has made a bona fide sale or transfer of an undocumented vessel and has delivered possession thereof to a purchaser shall not by reason of any of the provisions of this code be deemed the owner of the vessel so as to be subject to civil liability for the operation of the vessel thereafter by

another when the owner in addition to the foregoing has fulfilled both of the following requirements:

(a) When he has made proper endorsement and delivery of the certificate of ownership and delivered the certificate of number as provided in this code, and

(b) When he has delivered to the department or has placed in the United States mail, addressed to the department, either the notice as provided in Section 710 and Section 711 or appropriate documents for transfer of the vessel pursuant to the sale or transfer.

SEC. 8. Section 721 of the Harbors and Navigation Code is amended to read:

721. The method provided in this part for giving constructive notice of a chattel mortgage on a vessel numbered under this code is exclusive, the execution of the chattel mortgage need not be acknowledged or proved and certified, and such chattel mortgage is excepted from the provisions of Division 9 (commencing with Section 9101) of the Uniform Commercial Code.

SEC. 9. Section 681.9 added to the Harbors and Navigation Code by this act shall remain in effect until March 10, 1970, and shall have no force or effect thereafter. The Department of Harbors and Watercraft and the Department of Motor Vehicles shall report to the Legislature on or before March 10, 1970, with respect to their experiences under such section and shall make recommendations thereon.

SEC. 10. 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

SEC. 11. It is the intent of the Legislature, if amendments to Section 721 of the Harbors and Navigation Code proposed by both this bill and Senate Bill 532 are enacted, that the amendments proposed by Senate Bill 532 be given effect and incorporated in Section 721 in the form set forth in Section 10 of this act. Therefore, in the event Senate Bill 532 is enacted and amends Section 721, Section 10 of this act shall become operative at the same time that Section 721 as amended by Senate Bill 532 becomes operative, and at that time, Section 721 of the Harbors and Navigation Code as amended by Section 8 of this act is repealed.

SEC. 12. Section 682.8 of the Harbors and Navigation Code is amended to read:

682.8. (a) Except as provided in subdivision (b) of this section, all moneys received, except moneys collected under Section 685.2, pursuant to this article shall be deposited in the Harbors and Watercraft Revolving Fund and are appropriated for the administration of this article. The Department of

Harbors and Watercraft shall reimburse the Department of Motor Vehicles for its actual expenses incurred in functioning as an agent of the Department of Harbors and Watercraft pursuant to Section 681.9. Any money in the fund which is not expended for the administration of this article shall be expended in accordance with Section 85.2 of this code.

(b) All money derived from the increase in fees required pursuant to this article by the amendment of Sections 681, 682.2, and 682.8 enacted at the 1968 Regular Session of the Legislature shall be deposited in the Harbors and Watercraft Revolving Fund and is continuously appropriated for payment by the department to counties wherein nonresident vessels numbered under this chapter are used extensively in accordance with the suggested formula of the department contained in the department's report to the Senate pursuant to Senate Resolution No. 98 of the 1967 Regular Session, entitled "A Study of Boat Use by Counties" and dated January 1968. Such money paid to any such county shall be used only to offset costs incurred by the county for enforcement of the provisions of this code and regulations of the Harbors and Watercraft Commission relating to the registration, equipment and operation of vessels, and local measures relating to vessels adopted in accordance with Section 660 of this code. Any county receiving such money shall not levy any special fee or charge upon any vessel to offset the costs incurred by the county for enforcement of local measures relating to vessels adopted in accordance with Section 660 of this code.

Nothing in this subdivision shall be construed to authorize any county to levy any special fee or charge upon any vessel to offset the costs incurred by the county for enforcement of the provisions of this code and regulations of the commission relating to the registration, equipment and operation of vessels.

SEC. 13. It is the intent of the Legislature, if amendments to Section 682.8 of the Harbors and Navigation Code proposed by both this bill and Senate Bill 1139 are enacted, that both amendments be given effect and incorporated in Section 682.8 in the form set forth in Section 12 of this act. Therefore, in the event Senate Bill 1139 is enacted and amends Section 682.8, Section 12 of this act shall become operative at the same time that Section 682.8 as amended by Senate Bill 1139 becomes operative, and at that time, Section 682.8 of the Harbors and Navigation Code as amended by Section 3 of this act is repealed.

CHAPTER 1440

An act to add Section 20804.52 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 20804.52 is added to the Government Code, to read:

20804.52. Any member shall receive current service credit for time which was spent by him in employment as an academic employee of the University of California prior to 1963 if he is not entitled to any benefits from any other retirement system as a result of such service and he elects to pay, and pays, into the retirement fund, by lump sum payments or in installments over a period not to exceed 60 months, subject to minimum payments fixed by the board, normal contributions for such time computed by applying the rate of contribution applicable to him at the time he first became a member of this system after the period to be credited as service to the compensation earnable by him at that time, the contributions which would have been made in his behalf by the state, together with interest on such contributions or on the unpaid balance if such contributions are paid by installments, from the date on which he first became a member of this system after the period to be credited as service, until paid.

If any member who has received current service credit by making the appropriate contributions under this section leaves the system and is entitled to a return of his accumulated contributions, he shall not receive the sum paid by him to the system under this section which represents the contributions which would have been made in his behalf by the state, nor the interest thereon.

CHAPTER 1441

An act to amend Sections 5550, 5551.1, 5552, 5553, 5559, and 5567 of, and to repeal Sections 5550, 5551.1, 5552, 5553, 5559, and 5567 of, the Welfare and Institutions Code, relating to mental health.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 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 5550 of the Welfare and Institutions Code is repealed.

SEC. 3. 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. 4. Section 5551.1 of the Welfare and Institutions Code is repealed.

SEC. 5. 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. 6. Section 5552 of the Welfare and Institutions Code is repealed.

SEC. 7. 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. 8. Section 5553 of the Welfare and Institutions Code is repealed.

SEC. 9. 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. 10. Section 5559 of the Welfare and Institutions Code is repealed.

SEC. 11. 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 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. 12. Section 5567 of the Welfare and Institutions Code is repealed.

SEC. 13. The repeal of Sections 5550, 5551.1, 5552, 5553, 5559, and 5567 of the Welfare and Institutions Code effected by this act, or any other act of the 1968 Regular Session of the Legislature shall not affect any court action or proceeding which is based upon those sections, or any one of them, and which is pending at the time of the operative date of the repeal.

For purposes of this act, an action or proceeding is pending when a petition has been filed under Section 5551 of the Welfare and Institutions Code and proceedings commenced under Article 2 (commencing with Section 5550) of Chapter 1 of Part 1.5 of Division 6 of that code.

If, on the operative date of Section 36.5 of Chapter 1667 of the Statutes of 1967, a petition under Section 5551 of the Welfare and Institutions Code has been filed, but no further action has been taken, further proceedings shall be conducted

according to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code).

If on such date an action or proceeding is pending, as defined in this section, no order for commitment or any other form of involuntary detention or treatment may be for more than 90 days as a result of such action or proceeding, notwithstanding any other provision of Article 2 (commencing with Section 5550) of Chapter 1 of Part 1.5 of Division 6 of the Welfare and Institutions Code to the contrary.

SEC. 14. Sections 1, 3, 5, 7, 9, and 11 of this act shall become operative only if Senate Bill No. 731 is enacted at the 1968 Regular Session of the Legislature and in such case such sections shall remain in operation only until the date specified in that bill.

If Senate Bill No. 731 is enacted by the Legislature at its 1968 Regular Session, Sections 2, 4, 6, 8, 10, and 12 of this act shall become operative only at such time as Senate Bill No. 731 ceases to be operative. If Senate Bill No. 731 is not enacted at the 1968 Regular Session of the Legislature, Sections 2, 4, 6, 8, 10, and 12 of this act shall not become operative until the operative date of Section 36.5 of Chapter 1667 of the Statutes of 1967.

CHAPTER 1442

An act to add Chapter 6 (commencing with Section 575) to Division 2 of the Education Code, relating to federal educational acts.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Chapter 6 (commencing with Section 575) is added to Division 2 of the Education Code, to read:

CHAPTER 6. ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 AND EDUCATIONAL RESEARCE

Article 1 General Provisions

575. The Legislature hereby declares that there is further need to encourage the adoption of new or improved educational ideas, practices, and techniques in solving critical educational problems in elementary and secondary schools throughout the state. Recognizing the need for the planning and developing of new programs involving a wide range of new approaches designed to improve the quality of education available in this state, this chapter is expressly enacted to foster innovation and creative change in education, based on

research and proven need. It is the intent of this chapter to join together the United States Office of Education, the State of California, and local school systems to bring purposeful change and experimentation to schools throughout the state, through the use of all available resources of the state.

Article 2. Educational Innovation Advisory Commission

576. There is in the state government the Educational Innovation Advisory Commission consisting of the Superintendent of Public Instruction or his representative, a member of the Assembly Education Committee appointed by the Speaker of the Assembly, a member of the Education Committee of the Senate appointed by the Senate Committee on Rules, and 11 public members appointed by the State Board of Education to serve four-year terms.

The 11 public members appointed by the State Board of Education shall be selected for their familiarity, standing, competence, and attainment in research methods applicable to the physical, behavioral, and management sciences. One of the 11 public members appointed by the State Board of Education shall be an elementary school teacher, one public member shall be a secondary school teacher, one public member shall be a recognized specialist in the field of special education, one public member shall be a representative of institutions of higher education, one public member shall be a recognized specialist in urban educational problems, one public member shall be a member of the governing board of a school district, one public member shall be a representative of private schools, one public member shall be a representative of disadvantaged low-income areas, and three public members shall be leaders from private industry with direct concern and involvement in the development of new techniques in the fields of education and communications.

577. The member of the Assembly Education Committee, and the member of the Senate Education Committee shall serve at the discretion of the appointing power.

578. The member of the Assembly Education Committee and the member of the Senate Education Committee shall have the powers and duties of a joint interim committee on the subject of educational research and shall meet with the commission and participate in its work to the extent that such participation is not incompatible with their positions as members of the Legislature.

579. As used in this chapter:

(a) "Commission" means the Educational Innovation Advisory Commission.

(b) "Title III" means Title III of the Elementary and Secondary Education Act of 1965, as amended by Public Law 90-247 (90th Congress—1st Session).

580. For purposes of this chapter, the commission shall have all powers, duties, and responsibilities of a state advisory council prescribed in Title III.

581. Members of the commission shall serve without compensation, except that they shall receive their actual and necessary expenses incurred in the performance of their duties, including traveling expenses.

582. The commission shall select one of the members to be chairman of the commission.

583. The commission shall have the power and authority to:

(a) Prepare and submit through the State Board of Education to the United States Commission of Education a California State Plan for the use of such Title III funds in California. Such a plan shall be developed pursuant to this chapter and in accordance with federal law and regulations.

(b) Initiate or review, or both, and recommend to the State Board of Education for its approval all Title III projects which will operate in the state.

(c) Adopt rules and regulations for its own government.

(d) Report on its activities to the State Board of Education, the Governor of the State of California, and the Legislature as necessary to carry out its duties.

583.5. The State Board of Education may establish within its administrative structure a staff office which shall compile and disseminate research and evaluation information relative to programs, services, practices, and materials important to general education. The staff office may, among other things, assist the Department of Education in meeting their responsibilities for the evaluation of the effectiveness of the programs and projects supported under the state plan, and the appropriate dissemination of the results of such evaluations and other information pertaining to such programs and projects.

584. All projects and plans recommended by the commission shall be submitted to the State Board of Education for its approval.

585. The State Board of Education shall allocate funds under Title III to ensure a geographical spread of experimental projects in the state.

586. All such grants for a particular project shall be limited to a three-year period.

587. All such grants shall show in their evaluation the cost effectiveness relationships of such programs developed as they relate to currently used methods.

588. The State Board of Education shall allocate federal funds received by the State of California pursuant to Title III to approved projects in accordance with the following schedule:

(a) Not more than 20 percent of such funds shall be used annually for supplementary educational centers.

(b) Insofar as practicable, not more than 15 percent of such funds shall be used annually for special education projects.

(c) Not less than 50 percent of such funds shall be used for the purposes of Section 591.

Moneys reserved by the State Board of Education pursuant to Sections 591.2, 591.3, and 593.1 shall not be considered in the allocation percentages for approved projects pursuant to this section; provided, however, that in no event shall the allocation for special education projects be less than 15 percent of the total amount of federal funds received by the state pursuant to Title III.

588.5. The total costs of administration of the provisions of this chapter by the State Board of Education shall be fully borne by the federal funds received pursuant to the provisions of Title III for such purposes.

Article 3. Special Educational Projects

589. An approved project for a special education project shall meet the standards prescribed by federal regulations adopted to implement the provisions of Title III.

Article 4. Supplementary Educational Centers

590. In order to be deemed an approved project and to be eligible to receive an allocation from the State Board of Education, a project for supplementary educational center shall meet all the following criteria:

(a) The proposed activities are not activities presently being performed by other state and federal programs.

(b) The proposed activities supplement, but do not supplant, other state and federal categorical aid programs, including, but not limited to programs under Title I or Title IV of the Elementary and Secondary Education Act of 1965, the Preschool Educational Programs (Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code), the Miller-Unruh Basic Reading Act (Chapter 2.5 (commencing with Section 7770) of Division 7 of the Education Code), or the McAteer Act (Chapter 6.5 (commencing with Section 6450) of Division 6 of the Education Code).

(c) A description of the methods by which the success or failure of the activities will be measured, including the dissemination of findings to local school districts, and a description of the extent to which the planned activities have motivated or will motivate local school districts to modify their curriculum and have resulted or will result in a direct improvement in the achievement of pupils in the local schools.

590.1. Funds granted to supplementary educational centers shall be limited to a three-year period. Such centers may be funded until the 1971–1972 fiscal year to complete the activities, but such centers shall be terminated after submitting a final evaluation of their work through the commission to the State Board of Education, the Governor, and the Legislature.

590.2. The State Board of Education shall submit a special report to the Governor and the Legislature not later than the fifth legislative day of the 1971 Regular Session. Such report shall include an evaluation of the programs and other activities

undertaken by the supplementary educational centers and shall recommend in such report any necessary legislation to transfer the function of such centers to other educational agencies where such transfers are necessary to carry out the provisions of the state plan developed pursuant to this chapter.

Article 5. Experimental, Demonstration, and Operational Projects

591. Priority for experimental, demonstration, and operational projects shall be given to the following:

(a) A language development program or a mathematics program, or both, given in the elementary grades. For purposes of this article, "language development" includes the elements of reading, writing, spelling, speaking, and listening, and comprehension of ideas and concepts.

(b) An in-service and preservice training program for elementary teachers developed with local institutions of higher education. Such programs shall emphasize the improvement of specific classroom teacher skills required to instruct language development and mathematics.

591.1. In order to be deemed an approved project and be eligible to receive an allocation from the State Board of Education, an experimental, demonstration, and operational project shall meet the following criteria:

(a) The proposed activities are not activities presently being performed by other state and federal programs.

(b) The proposed activities supplement, but do not supplant, other state and federal categorical aid programs under Title I or Title IV of the Elementary and Secondary Education Act of 1965, the Preschool Educational Programs (Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code), the Miller-Unruh Basic Reading Act (Chapter 2.5 (commencing with Section 7770) of Division 7 of the Education Code), or the McAteer Act (Chapter 6.5 (commencing with Section 6450) of Division 6 of the Education Code).

(c) Priority shall be given to districts with elementary schools which have the largest concentration of pupils whose reading achievement scores fall within the first quartile, as measured by the most recently administered statewide reading test, such as the Miller-Unruh Basic Reading Test, or any other applicable statewide reading test.

(d) The school district is shown to be making a reasonable local tax effort.

(e) A description of methods of evaluation. Priority shall be given to school districts which indicate a comprehensive evaluation proposal.

591.2. The State Board of Education may reserve a limited sum of money, to be determined by the State Board of Education, to support experimental projects which have been developed in cooperation with Title IV of the Elementary and

Secondary Education Act of 1965. The standards for such experimental projects shall be recommended by the commission to the State Board of Education based upon the best interests of the pupils involved.

591.3. The state board shall reserve a sum of money, to be recommended by the commission and approved by the state board, to support demonstration and experimental projects designed to develop new methods of allocating personnel, equipment and facilities to solve educational problems associated with educational management. Such projects may include, but need not be limited to, the development of new and potentially more economical staffing, arrangements for administration and for classroom instruction, a modification of class size in schools, the utilization of classroom aides, flexible class scheduling, and the use of instructional television and audiovisual equipment so as to more effectively utilize local resources. Also included may be projects for educational problems associated with general curriculum development, community relations, urbanization and work-study programs. The standards for such demonstrational and experimental projects shall be recommended by the commission and approved by the state board, based upon the best interests of the students involved, except that a project shall be approved only if it can be shown that, if successful, the cost-effectiveness of the project will be such so as to be adaptable within the budgets of other similar school districts throughout the state.

Article 6. Evaluation of Projects

592. A school district operating a project funded under this chapter shall submit at least an annual evaluation to the State Board of Education through the commission which shall document the degree to which the project has improved the achievement levels of pupils in the instructional areas emphasized within the grant.

592.1. The State Board of Education shall submit an annual comprehensive report to the Governor and the Legislature which shall document:

(a) Improved achievement levels resulting from the projects.

(b) The degree to which the program has motivated schools, both participating and nonparticipating in the program, to improve their curriculum in the basic skills area and other instructional areas emphasized in grants approved.

(c) The degree to which the program has fostered cooperation between school districts and institutions of higher education in the development of new techniques for the benefit of student achievement, particularly within the project areas specified in Section 591.

Article 7. Incentive Grants

593. The commission shall identify and submit to the State Board of Education 5 to 10 projects conducted during the current year as "exemplary projects," which projects exhibited the greatest degree of success in achieving their objectives, with the highest priority given to those who demonstrate the highest achievement levels. Information concerning such exemplary projects shall be disseminated by the State Board of Education to all school districts in the state which maintain the grade levels involved in such projects.

593.1. The State Board of Education shall reserve not more than 5 percent of the state's federal allocation for incentive grants to the school districts which have operated exemplary projects during the preceding year. Such funds shall be used by such districts to expand and adapt such successful projects.

School districts operating programs and projects which have been funded under Title III prior to the effective date of this chapter shall be allowed to continue their operations outside the priorities set by the State Board of Education pursuant to this chapter, if the State Board of Education determines that the continuance of such programs and projects are in the best interest of the pupils involved in such programs. The school districts operating such programs and projects shall submit comprehensive evaluations of their programs and projects through the commission to the State Board of Education. In no case shall such programs and projects continue outside of the priorities set by the State Board of Education pursuant to this chapter for more than one year.

593.2. In the event that the United States Commissioner of Education finds that the state plan is not in accordance with federal law and regulations the State Board of Education may, within the scope and consistent with the provisions of this chapter, by rule and regulation, take the minimum action necessary to modify the plan in conformity with federal requirements and to assure a continuation of such federal funds. Such modification shall not have any force or effect upon the expiration of one year from the date of modification.

CHAPTER 1443

An act to add Section 2118.5 to the Streets and Highways Code, and to add Sections 21372 and 21373 to the Vehicle Code, relating to public highways.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 2118.5 is added to the Streets and Highways Code, to read:

2118.5. All or a portion of the cost of furnishing warranted traffic control personnel whose function is to assist students in crossing streets and highways and avoiding traffic hazards may be charged against money apportioned to cities, cities and counties, or counties from the Highway Users Tax Fund; provided that the amount so charged against such money apportioned to any city, city and county, or county shall not exceed the portion of such money which was derived from the tax under the Motor Vehicle Fund and the Motor Vehicle Transportation License Tax Law. The Transportation Agency may assist local agencies in establishing warrants for such crossing guard protection.

SEC. 2. Section 21372 is added to the Vehicle Code, to read:

21372. The Department of Public Works and local authorities shall, with respect to highways under their respective jurisdictions, establish and promulgate warrants to be used as guidelines for the placement of traffic control devices near schools for the purpose of protecting students going to and from school. Such warrants shall be based upon, but need not be limited to, the following items: pedestrian volumes, vehicle volumes, width of the roadway, physical terrain, speed of vehicle traffic, horizontal and vertical alignment of the roadway, the distance to existing traffic control devices, proximity to the school, and the degree of urban or rural environment of the area.

SEC. 2. Section 21373 is added to the Vehicle Code, to read:

21373. The governing board of any school district may request the appropriate city, county, city and county or state agency to install traffic control devices in accordance with the warrants established pursuant to Section 21372. Within 90 days thereafter, the city, county, city and county or state agency involved shall undertake an engineering and traffic survey to determine whether the requested crossing protection meets the warrants established pursuant to Section 21372. The cost of such survey shall be borne equally by the requesting school district and the city, county, city and county, or state agency involved. If it is determined that such requested protection is warranted, it shall be installed by the city, county, city and county or state agency involved.

SEC. 3. The Legislature hereby declares that the safety of schoolchildren is of statewide significance and concern, and that the expenditure of state highway user funds for such purposes thereby accomplishes the purposes of the state.

CHAPTER 1444

An act to add Section 3501.3 to the Elections Code, relating to initiatives.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 3501.3 is added to the Elections Code, to read:

3501.3. Notwithstanding the provisions of Sections 3500.5 and 3501, the Attorney General in preparing a title or summary for an initiative measure, the substance of which if adopted would require a substantial increase in state costs and which does not contain a method of financing the increased cost, shall state in the title that if the proposed initiative is adopted undefined additional financing from state sources in the approximate amount of _____ dollars ($_____) will be required.

Such estimate of costs as required by this section shall be made jointly by the Department of Finance and Joint Budget Committee, who shall inform the Attorney General so that he may include it in the title prepared by him.

CHAPTER 1445

An act to add Section 1262.1 to the Military and Veterans Code, relating to county funds.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 1262.1 is added to the Military and Veterans Code, to read:

1262.1. Not to exceed 50 percent of any funds accumulated in, transferred from or accumulated by transfer from, the General Fund pursuant to, and for any of the purposes authorized in, Section 1262 for expenditure within an area or community may be contributed to any water district, sanitation district or other district or public agency encompassing or lying within the county for use by such district or public agency for construction or improvement of a water supply or water distribution facility or a sewage collection system or a sewage treatment facility serving or designed to serve a community or area within such district or public agency, when it is found by a four-fifths vote of the board of supervisors to be in the best public interest and in the best interests of such community or area. The remainder of such funds so accumulated shall be

expended within such community for one or more of the purposes authorized in Section 1262, and in connection therewith a plaque shall be placed and maintained in an appropriate public place commemorating veterans from and residing in the area and reciting appropriate credit for the community public facility to which such funds were contributed. The contributions authorized by this section may be made notwithstanding and independent of any other provision of law regarding or limiting county expenditures for such purpose or county contribution to such districts or agencies for expenditure for such purposes.

CHAPTER 1446

An act to add Section 1947 to the Labor Code, relating to employment of noncitizens.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 1947 is added to the Labor Code, to read:

1947. This article shall not apply to any noncitizen who is a resident of the State of California and who has indicated his intent to become a citizen of the United States.

CHAPTER 1447

An act to add Section 13273.5 to, and to amend Section 14001 of, the Education Code, relating to employment of bilingual sojourn teachers.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968.]

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

SECTION 1. Section 13273.5 is added to the Education Code, to read:

13273.5. The governing board of a school district may, for the purposes of providing bilingual instruction and foreign language instruction in the schools of the district, subject to the rules and regulations of the State Board of Education and notwithstanding anything to the contrary in Article 2 (commencing with Section 1940) of Chapter 2 of Part 7 of Division 2 of the Labor Code, conclude arrangements with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, for the hiring of bilingual teachers employed in public or private schools of

any foreign country, state, territory, or possession. To be eligible for employment the teacher must speak English fluently. Any person so employed pursuant to this section shall be known as a "sojourn certificated employee."

No person may be hired as a sojourn certificated employee by a school district unless he holds the necessary valid credential or credentials issued by the State Board of Education authorizing him to serve in a position requiring certification qualifications in the school district proposing to employ him. Such person may be employed only for a period not to exceed two years. The State Board of Education shall establish minimum standards for the credentials for sojourn certificated employees.

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 or sojourn 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.

CHAPTER 1448

An act to amend Sections 30921, 30923, 30952, and 30956 of, and to add Sections 30930.1 and 30999.1 to, the Streets and Highways Code, relating to the Folsom Lake Bridge Authority, and making an appropriation therefor.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 30921 of the Streets and Highways Code is amended to read:

30921. All of the members of the authority, and the executive secretary and secretary employed by the authority, shall receive, commencing in the 1968–1969 fiscal year, a per diem of twenty-five dollars ($25) for each meeting, for not to exceed three meetings per month.

SEC. 2. Section 30923 of the Streets and Highways Code is amended to read:

30923. The authority may employ an executive secretary, a secretary, a treasurer, an attorney, a chief engineer, and such other persons as are necessary to enable it properly to perform the duties imposed upon it by this chapter.

SEC. 3. Section 30930.1 is added to the Streets and Highways Code, to read:

30930.1. As an alternative to the construction, maintenance, and operation of the toll bridge by the authority itself, the authority may contract with a person, firm, or corporation for such construction, maintenance, and operation by him or it on behalf of the authority under such terms and conditions as the authority may prescribe, including, but not limited to, a

lease-purchase arrangement and the issuance and transfer of revenue bonds of the authority to such person, firm, or corporation.

SEC. 4. Section 30952 of the Streets and Highways Code is amended to read:

30952. The authority shall determine the form, conditions, and denominations of all bonds, the dates which the bonds to be sold shall bear, and the interest rate thereon. The rate of interest need not be uniform for all bonds of the same authorized issue. Principal and interest of the bonds shall be payable at such places as are fixed and determined by the authority. The bonds may contain provisions for registration as to principal only and as to both principal and interest. The bonds shall be issued in coupon form with interest payable at such times as are determined by the authority, and shall mature at such times and in such amounts as the authority prescribes.

SEC. 5. Section 30956 of the Streets and Highways Code is amended to read:

30956. Bonds authorized pursuant to this chapter may be sold below the par or face value thereof and shall include the interest which has accrued thereon up to the date of delivery of the bonds.

SEC. 6. Section 30999.1 is added to the Streets and Highways Code, to read:

30999.1. Notwithstanding anything contained in this chapter, the first issue of bonds shall include an amount sufficient to repay, with interest as required, any and all amounts appropriated by the Legislature for the support of the authority.

SEC. 7. The sum of six thousand three hundred dollars ($6,300) is hereby appropriated from the General Fund in the State Treasury for payment by the State Controller to the authority for the support of the Folsom Lake Bridge Authority in the 1968–1969 fiscal year. This appropriation shall be repaid from the proceeds of the first sale of bonds of the authority with interest at that rate which is equal to the average of net interest costs to the state, as determined by the State Controller, on the sales of general obligation bonds of the state which occurred during the calendar year immediately preceding the year in which repayment occurs.

CHAPTER 1449

An act to add Section 2772 to the Unemployment Insurance Code, relating to disability insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 21, 1968. Filed with Secretary of State August 22, 1968]

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

SECTION 1. Section 2772 is added to the Unemployment Insurance Code, to read:

2772. Notwithstanding any inconsistent provision of this part, any trainee who was a resident of this state at the time of his entrance into the military service, who is a resident of this state at the time he applies for disability compensation benefits under this section, and who has been disabled in the military service and is eligible to receive disability compensation from the federal government for such disability, shall be eligible, upon his discharge from the military service, to receive disability compensation benefits under Section 2655 from the time he is determined by the federal government to be eligible for disability compensation payments from the federal government until such time as he begins to receive his disability compensation payments from the federal government.

Such trainee's weekly benefit amount shall be the maximum amount specified in Section 2655 or the amount of the disability compensation which he is eligible to receive from the federal government, whichever is smaller.

Each trainee receiving any benefits pursuant to this section shall repay to the state the amount received as benefits hereunder. Each trainee, as a condition of receiving benefit hereunder, shall assign to the state the disability compensation which he is eligible to receive from the federal government to the extent that he receives benefits from the state pursuant to this section and shall enter into a contract with the director, in a form prescribed by the director, under which the trainee will be obligated to repay the state over a period of not more than one year following the date he first receives disability compensation from the federal government for his disability. Repayments made by such trainees shall be deposited by the director in the General Fund.

SEC. 2. The Legislature hereby declares its intention to appropriate each year from the General Fund to the Disability Fund amounts expended from the Disability Fund during the preceding year to pay benefits provided for in this act and amounts to reimburse the administrative costs of the Department of Employment in administering the provisions of this act.

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

Disabled veterans returning from the Vietnam conflict in many cases must wait a period of up to 15 weeks before they receive any disability compensation from the federal government. In order that these disabled veterans will receive some disability benefit during this lag period and at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 1450

An act to add Article 4 (commencing with Section 6478) to Chapter 6.5 of Division 6 of the Education Code, relating to compensatory education.

[Approved by Governor August 24, 1968. Filed with Secretary of State August 26, 1968.]

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

SECTION 1. Article 4 (commencing with Section 6478) is added to Chapter 6.5 of Division 6 of the Education Code, to read:

Article 4. Experimental Program for More Effective Schools

6478. This article shall be known and may be cited as "The More Effective Schools Act."

It is the intent and purpose of the Legislature in enacting this article to provide for an experimental program in two school districts designed to measure the effectiveness of a total program combining intensive classroom instruction with fully adequate medical, psychological, dental, counseling, and ancillary services.

The Legislature finds and declares that the physical and mental well-being of severely disadvantaged children is sometimes so great that no instructional program, by itself, can produce the necessary academic and social achievement required by all youth in this era.

It is the further intent of the Legislature that programs authorized and initiated under this article shall be thoroughly evaluated by participating local school districts and by the Superintendent of Public Instruction, and that such evaluation report be submitted to the 1972 Regular Session of the Legislature.

6478.1. The Superintendent of Public Instruction may contract with not more than two school districts which have significant numbers of disadvantaged youth and are located in separate geographical areas of the state for the purpose of establishing a More Effective Schools Program in such districts. Each contracting school district shall establish such program in one elementary school within the district where the average achievement level in reading, as measured by tests given under the provisions of Chapter 2.5 (commencing with Section 7770) of Division 7, is at or near the lowest level for the district.

At least one contracting school district shall have an assessed valuation per unit of average daily attendance, such that one dollar ($1) of tax rate on each one hundred dollars ($100) of assessed valuation produces no more than twenty-eight dollars ($28) per unit of average daily attendance in revenue for the district.

6478.5. As used in this article, a More Effective Schools Program shall include the following provisions:

(a) A maximum class size of 22 pupils for grades 1–6.

(b) A maximum class size of 15 for kindergarten.

(c) One additional teacher for every three classes.

(d) One guidance counselor for every 350 pupils.

(e) One secretary for every 250 pupils.

(f) Parents employed as teacher-aides to relieve teachers of nonteaching functions.

(g) One full-time psychologist.

(h) One full-time social worker.

(i) Medical and dental services when determined to be necessary by the Superintendent of Public Instruction

(j) Breakfast and luncheon food services when determined to be necessary by the Superintendent of Public Instruction so as to assure a proper diet.

(k) A total elementary school enrollment not to exceed 500 pupils.

(*l*) Adequate administrative and supervisory staff as determined jointly by the superintendent of the contracting school district and the Superintendent of Public Instruction.

6478.7. Federal funds may be authorized under this article to provide necessary and required school facilities. The total of such federal funds shall not exceed five hundred thousand dollars ($500,000) per school year.

6479. The experimental program shall commence with the 1968–1969 school year and continue through the 1971–1972 school year. In evaluating the program, the Superintendent of Public Instruction may cite differences, if any, in academic and social growth between groups of pupils which have, by 1972, spent all their school years under this program and groups which have had less than a complete school program under this program.

6479.1. The Superintendent of Public Instruction shall conduct a study, prior to July 1, 1970, of the More Effective Schools Program in view of the purposes of this article and may submit a report to the Legislature if, in his opinion on clear and persuasive evidence, the purposes of this article are not effectuated by such program.

SEC. 2. The Educational Innovation Commission shall annually provide for the allocation of federal funds received under Title III of the Elementary and Secondary Education Act of 1965, as amended by Public Law 90-247 (90th Congress—1st Session) to the More Effective Schools Program established by school districts pursuant to Article 4 (commencing with Section 6478) of Chapter 6.5 of Division 6 of the Education Code. Such funds, if any, shall be apportioned by the Superintendent of Public Instruction, upon notification by the contracting school districts of the September enrollment in programs under this act, by such amounts as may be necessary for pupils enrolled in More Effective Schools Programs.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1865 is enacted by the Legislature at its 1968 Regular Session. In the event that Assembly Bill No. 1865 is not enacted, or is not applicable to this act, the State Board of Education, in approving any state plans for the administration of federal funds to be received under Title III of the Elementary and Secondary Education Act of 1965, may, in the 1968–1969, 1969–1970, 1970–1971, and 1971–1972 school years, assure the reservation from federal funds of an amount of one million dollars ($1,000,000) annually, to the More Effective Schools Program established by school districts pursuant to Article 4 (commencing with Section 6478) of Chapter 6.5 of Division 6 of the Education Code.

CHAPTER 1451

An act making an appropriation to the Department of Public Health for assistance to various agencies for the construction of hospital facilities.

[Approved by Governor August 24, 1968. Filed with Secretary of State August 26, 1968.]

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

SECTION 1. The sum of sixteen million dollars ($16,000,000) is hereby appropriated from the General Fund to the Department of Public Health for assistance to public agencies, as defined in Sections 435 and 435.1 of the Health and Safety Code, in the construction of hospital facilities, to be expended under provisions of the California Hospital Survey and Construction Act. No money which is appropriated by this act shall be expended for any hospital facility which refuses to admit persons certified as eligible for benefits under the provisions of Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14500) of Part 3 of Division 9 of the Welfare and Institutions Code. No allocation shall be made to a hospital until the local share of construction costs is assured, as determined by the Hospital Advisory Council.

The appropriation made by this act is intended to relieve local government from the necessity of making expenditures from revenues derived from property taxation, and the amount appropriated by this act shall be deemed to be for property tax relief purposes within the meaning of Section 64 of Chapter 1209 of the Statutes of the 1967 Regular Session of the Legislature, as amended by Section 4 of Chapter 408 of the Statutes of the 1968 Regular Session of the Legislature

CHAPTER 1452

An act to amend Section 21401 of, and to add Part 5 (commencing with Section 24230) to Division 9 of, the Public Utilities Code, to provide for the giving of security by owners and operators of aircraft involved in accidents, to provide for administration thereof, to provide penalties for violation of any provisions of this act, and making an appropriation.

[Approved by Governor August 24, 1968. Filed with Secretary of State August 26, 1968.]

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

SECTION 1. Section 21401 of the Public Utilities Code is amended to read:

21401. Sovereignty in the space above the land and waters of this state rests in the state, except where granted to and assumed by the United States pursuant to a constitutional grant from the people of the state.

The operation of aircraft in such space is a privilege subject to the laws of this state.

SEC. 2. Part 5 (commencing with Section 24230) is added to Division 9 of the Public Utilities Code, to read:

PART 5. AIRCRAFT FINANCIAL RESPONSIBILITY ACT

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

24230. This part may be cited as the Uniform Aircraft Financial Responsibility Act.

24231. This part shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

24232. Unless the context otherwise requires, the definitions and general provisions set forth in this chapter govern the construction of this part.

24233. "Division" means the Division of Aeronautics in the Business and Transportation Agency.

24234. "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

24235. "Judgment" means any judgment which has become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a claim for damages suffered by a claimant arising out of the ownership, operation, maintenance or use of any aircraft, including damages for care and loss of services, because of bodily injury to or death of any person or injury to or destruction of property,

including the loss of use thereof, or upon an agreement of settlement for such damages.

24236. "Operator" means any person who is exercising actual physical control of an aircraft.

24237. "Owner" means any of the following persons who may be legally responsible for the operation of an aircraft:

(a) A person who holds the legal title to an aircraft.

(b) A lessee of an aircraft.

(c) A conditional vendee, a trustee under a trust receipt and a mortgager or other person holding an aircraft subject to a security interest.

24238. "Passenger" means any person in, on or boarding an aircraft for the purpose of riding therein, or alighting therefrom following a flight or attempted flight therein.

24239. "Person" means any individual, firm, copartnership, association or corporation, public or private, including his or its successors, assignees or legal representatives.

24240. "Notification" means notice in writing served upon a person by either:

(a) Actual delivery or offer of delivery to such person by any adult individual whose rights are not affected by the proceeding involved; or

(b) Registered mail addressed to the person at the last address known to the division.

24241. "State" means any state, the District of Columbia, any territory or possession of the United States and the Commonwealth of Puerto Rico.

24242. "Claimants" means any person having a claim for damages as the result of an accident within this state involving an aircraft.

24243. This part does not apply to:

(a) Any aircraft owned and operated by or leased to and subject to the sole control of the United States or any civil or military agency of the United States or of the District of Columbia, the Commonwealth of Puerto Rico or any territory or possession of the United States.

(b) Any aircraft owned and operated by or leased to and subject to the sole control of this or any other state or agency thereof or any political subdivision or municipality of this or any other state.

(c) Any aircraft owned and operated by or leased to and subject to the sole control of any foreign country or any civil or military agency thereof or any political subdivision or municipality thereof.

(d) Any commercial air operator subject to Chapter 9 (commencing with Section 5500) of Division 2.

(e) Any aircraft operated by an operator subject to the provisions of Article 2 (commencing with Section 11931) of Chapter 5 of Division 6 of the Agricultural Code.

(f) Any person who maintains in effect an insurance policy meeting the requirements of Section 24350 and who has filed

with the division a certificate of insurance issued by the insurance company which issued such policy.

24244. This part shall not apply with respect to any accident occurring prior to the effective date of this part.

24245. Nothing in this part shall be construed as precluding any party in any action or proceeding from employing other processes provided by law. Nothing in this part shall be construed as precluding the utilization by the division of the injunctive or other process of the courts in aid of the enforcement of this part.

24246. A discharge in bankruptcy shall not relieve any person from the requirements of this part.

24247. Nothing in this part shall be construed as authorizing the state to license the operators of aircraft.

CHAPTER 2. ADMINISTRATION

24250. The division shall administer and enforce the provisions of this part and may make rules and regulations necessary for its administration.

Nothing in this part shall be construed as requiring any license for operators of aircraft other than that required by the federal government, or to permit any registration of aircraft by the state.

24251. The division shall provide for hearings upon request of any person who may be affected by its orders or acts under the provisions of this part and may provide for a stay thereof until a hearing may be had. All hearings held under this part shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the division shall have all of the powers granted therein.

24252. Any person aggrieved by any rule, regulation, order or act of the division or by a failure of the division to act hereunder, may have judicial review thereof as provided in Sections 11440 and 11523 of the Government Code.

24253. The records of and proceedings before the division shall be inadmissible in evidence and shall not be referred to at the trial of any civil action or criminal proceeding.

Subject to the foregoing provisions, the division shall, upon written request, make available to persons whose legal rights may be affected thereby, information and material developed in the course of its administration of this part.

24254. (a) The operation of an aircraft on the land or waters of, or in the air over, this state shall be deemed an appointment by the owner or operator of the division to be his true and lawful attorney upon whom may be served all legal process in any action or proceeding against him, arising from the ownership, maintenance, use or operation of such aircraft and resulting in damage or loss to person or property, and said use or operation shall be signification of their agreement that any such process against him which is so served,

shall be of the same legal force and validity as though served upon him personally; provided, such person is a nonresident of this state or at the time a cause of action arises is a resident of this state but subsequently becomes a nonresident of this state.

(b) Service of such process shall be made by leaving a copy of the summons and complaint with the division or in its office at Sacramento, together with a fee of two dollars ($2), and by the mailing of a copy of such summons and complaint by the plaintiff or his attorney to the defendant, and to each of the defendants if more than one at his last known address, within 10 days thereafter by registered mail. In lieu of such mailing to such defendant in a foreign state, plaintiff may cause a copy of the summons and complaint to be served personally in the foreign state upon such defendant by any adult person not a party to the suit, by actually delivering the same to such defendant or by offering to make such delivery in case defendant refuses to accept delivery.

(c) Proof of the service of such process upon the division, and proof of the mailing or personal delivery thereof to the defendant, shall be made by the affidavit or affidavits of the party or parties doing the acts, which shall be filed with the court from out of which such summons issued, within such time as the court may allow for the return of such summons. Process shall be deemed to be completed upon the filing of such affidavit or affidavits and of the original registry receipt issued by the post office upon the mailing of such registered letter, if service is obtained by mail.

CHAPTER 3. SECURITY FOLLOWING ACCIDENT

Article 1. Accident Report

24300. The operator of any aircraft involved in an accident within this state in which any person is killed or injured or damage in excess of four hundred dollars ($400) is sustained to the property of any person, other than property owned by the owner or operator or in his care, custody or control or carried in or on the aircraft, shall immediately but not later than 48 hours after the accident report the matter in writing to the division. If the operator is physically incapable of making the report, the owner of the aircraft involved in the accident, shall immediately but not later than 48 hours after learning of the accident, make the report. If neither the operator nor the owner is physically capable of making the report, then each passenger shall, within 10 days after learning of the incapacity of the operator or owner, make the report. If the owner or operator dies as a result of the accident, the legal representative of the operator or owner shall make the report within 10 days after his qualifications. The sheriff of the county in which the accident occurred or the chief of police of the city in which the accident occurred, as the case may be, shall notify the divi-

sion in writing immediately but not later than 48 hours after learning of the accident.

24301. The report, the form of which shall be prescribed by the division, shall include information to enable the division to determine whether the requirements for the deposit of security under Article 2 (commencing with Section 24325) are inapplicable by reason of existence of insurance or other exceptions specified in this part. The division may rely upon the accuracy of the information until it has reason to believe that the information is erroneous.

24302. The operator and the owner shall furnish such additional information as the division may require.

Article 2. Security

24325. As promptly as practicable but not later than 30 days after receipt of an accident report as required in Article 1 (commencing with Section 24300), the division shall determine by an order entered of record (a) the amount of security within the limits specified in Section 24350, which it deems sufficient to satisfy any judgment for damages resulting from the accident which may be recovered against each owner or operator, and (b) the name and address of each claimant.

24326. As promptly as practicable but not later than 30 days after the entry of the order required by Section 24325, the division, the owner or the operator, or both, as the case may be, shall deposit for the benefit of the owner or operator or both, as the case may be, security in the sum so determined by the division.

24327. The requirements as to security do not apply:

(a) To the operator of an aircraft involved in an accident in which no injury was caused to the person of anyone other than the operator or guests, and no damage in excess of four hundred dollars ($400) was caused to property not owned, rented, occupied or used by such operator nor in his care, custody or control nor carried in or on the aircraft.

(b) To the operator or owner of an aircraft if at the time of the accident the aircraft was stationary, without passengers thereon or boarding the aircraft or alighting therefrom and the aircraft was parked in an area legally used for aircraft parking with no engine running nor in the process of being started.

(c) To the owner of an aircraft if at the time of the accident the aircraft was being operated, or was parked, without his permission, express or implied.

(d) To the owner if there is in effect at the time of the accident an aircraft liability policy or bond with respect to the aircraft involved in the accident.

(e) To the operator, if not the owner of the aircraft, if there is in effect at the time of the accident an aircraft liability policy or bond with respect to his operation of the aircraft involved in the accident.

(f) To the operator or owner if his liability for damages resulting from such accident is covered by any other form of liability insurance policy or bond in effect at the time of the accident.

(g) To any person qualifying as a self-insurer under Section 24353, or to any person operating an aircraft for the self-insurer for whose acts the self-insurer is legally responsible.

(h) After there is filed with the division satisfactory evidence that the person otherwise required to deposit security has (1) been released from liability, or (2) been adjudicated not to be liable by judgment, or (3) executed a written agreement with all claimants providing for payment of an agreed amount with respect to all claims for injuries or damages resulting from the accident.

Article 3. Financial Responsibility

24350. A policy or bond is not effective under Article 2 unless:

(a) Issued either (1) by an insurer or surety company authorized to do business in this state, or (2) by an insurer or surety company not authorized to do business in this state but which is found by the division to afford adequate protection and which has filed or shall file with the division a power of attorney authorizing the division to accept service on his behalf of notice or process in any action upon the policy or bond arising out of such accident.

(b) If the accident results in bodily injury to or death of a person not a passenger, the policy or bond provides coverage of not less than fifty thousand dollars ($50,000) because of bodily injury to or death of one person in any accident and one hundred thousand dollars ($100,000) because of bodily injury to or death of two or more persons in any one accident.

(c) If the accident results in damage to or destruction of property, the policy or bond provides coverage of not less than fifty thousand dollars ($50,000) because of damage to or destruction of property in any one accident with the exception of the following property which is exempted from the security required under this part: property owned, rented, occupied or used by, or in the care, custody or control of the owner or operator or carried in or on the aircraft.

24351. The policy or bond need not cover:

(a) Any liability on account of bodily injury to or death of any employee of the owner or operator while the employee is engaged in the duties of his employment.

(b) Any obligation for which the owner or operator or his insurer may be held liable under any workmen's compensation law.

(c) A guest, or any other person, riding in or upon any aircraft without giving compensation.

24352. Any person may at any time apply to the division for a certificate of self-insurance, whether or not there has

occurred an accident as a result of which he might be affected by some other provision of this part.

24353. The division may in its discretion issue a certificate of self-insurance when satisfied that the applicant is possessed and will continue to be possessed of ability to pay judgments against him within the limits provided in this part.

24354. Upon not less than 10 days notification of a self-insurer the division may for reasonable cause cancel a certificate of self-insurance and shall cancel such certificate upon failure to pay any judgment within 30 days.

24355. The security required under this part shall be cash or securities permissible under state law as security for deposit of state funds and in such amount as the division may require but in no case in excess of the limits specified in Section 24350 in reference to the limits of a policy or bond. If at the time of the accident there is in effect a liability policy or a bond meeting the requisites of this part other than in the amount of coverage set forth in Section 24350, the division may consider such policy or bond in fixing the amount of security. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the state agency with which the deposit is made the person depositing it may, upon approval of the division, amend in writing the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

24356. Upon 10 days notification of the parties concerned, the division may reduce, or, within the limits specified in Section 24350, increase the amount of security ordered in any case if in its discretion the amount ordered is excessive or insufficient. In case the security originally ordered has been deposited, the excess shall be returned to the depositor notwithstanding the provisions of Section 24357. Substitution of security shall be permitted.

24357. Security deposited in compliance with the requirements of this part shall be delivered to the division. The division shall deposit all cash received as security in a special account in the Special Deposit Fund provided by Article 2 (commencing with Section 16370) of Chapter 2, Part 2, Division 4, Title 2 of the Government Code, shall record the receipt of all securities received by it and deposit such securities with the State Treasurer, and shall retain in its custody all original insurance policies or copies thereof delivered to it. Security deposited with any agency other than the division shall be released only:

(a) Upon certificate of the division in the payment of a judgment rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in a civil action, begun not later than one year after

the date of the accident or within one year after the date of deposit of any security under subdivision (c) of Section 24330 or in the payment of a settlement, agreed to by the depositor and all the claimants, of a claim or claims arising out of the accident.

(b) Upon certificate of the division issued after 10 days notification of all claimants upon evidence satisfactory to the division that all claims arising from such accident have been satisfied by either (1) a release from liability, or (2) a judgment of nonliability, or (3) a written agreement in accordance with subdivision (h) of Section 24327, or whenever, after the expiration of one year from the time of the accident or from the date of deposit of any security under subdivision (c) of Section 24330 the division is given evidence satisfactory that there is no such action pending and that no judgment rendered in any such action is unpaid.

(c) Upon the certificate of the division that other security complying with Section 24355 and satisfactory in form, character and amount, has been deposited with it in lieu of the original security deposited hereunder.

(d) Upon the death of the person on whose behalf such proof was filed.

(e) In the event of the permanent incapacity of such person to operate an aircraft if the division is furnished proof of such incapacity.

The division shall not release such proof: (1) if any action for damages upon a liability referred to in this part is then pending, or (2) if any judgment upon any such liability is outstanding and unsatisfied.

An affidavit of the applicant of the nonexistence of such facts shall be prima facie evidence thereof.

Any security deposited with the division shall be released by it for any reason authorizing it to issue a certificate pursuant to subdivision (a), (b) or (c) when security is in the custody of another state agency.

24358. Such security shall be available for the following purposes:

(a) Payment of a final judgment or judgments in any amount for bodily injury or in excess of four hundred dollars ($400) for property damage, rendered against the owner or operator on whose behalf the deposit was made, for damages arising out of the accident in an action at law, begun not later than one year after the date of such accident.

(b) Payment of any settlement agreement covering any claim arising out of the accident.

(c) Payment of any final judgment rendered as a result of default under any duly acknowledged settlement agreement.

Every distribution of funds from the security deposit shall be subject to the limits of the division's evaluation on behalf of a claimant but not in excess of the maximum amounts provided in this part for bodily injury and for property damage.

24359. Every judgment shall for the purposes of this part be deemed satisfied:

(a) When fifty thousand dollars ($50,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, which together total in excess of that amount, for personal injury to or death of one person as a result of any one accident.

(b) When, subject to the limit of fifty thousand dollars ($50,000) as to one person, the sum of one hundred thousand dollars ($100,000) has been credited upon any judgment in excess of that amount, or upon all judgments, collectively, which together total in excess of that amount, for personal injury to or death of more than one person as a result of any one accident.

(c) When fifty thousand dollars ($50,000) has been credited upon any judgment in excess of that amount, or upon all judgments, collectively, each of which is in excess of fifty thousand dollars ($50,000), and which together total in excess of fifty thousand dollars ($50,000), for damage to property of others as a result of any one accident.

24360. Whenever any evidence of proof of ability to respond in damages filed by any person under the provisions of this part no longer fulfills the purpose for which required the division shall, for the purpose of this part, require other evidence of ability to respond in damages as required by this part.

24361. No insurance policy meeting the requirements of Section 24350 shall be canceled unless 30 days' prior notice is given to the division by either the insured or the insurance company.

CHAPTER 4. PENALTIES

24400. Any owner or operator who knowingly refuses or fails to make any report of an accident as required in Article 1 (commencing with Section 24300) of Chapter 3 of this part shall be guilty of a misdemeanor and upon conviction shall be fined not more than one thousand dollars ($1,000).

24401. Any owner or operator who knowingly makes a false statement or representation of a material fact in a report to or written instrument filed with the division shall be guilty of a misdemeanor and upon conviction shall be fined not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000), or imprisoned for not more than 90 days, or both.

24402. Any owner or operator who refuses or fails to comply with the provisions of Article 2 (commencing with Section 24325) of Chapter 3 of this part or of Section 24360, and who without compliance with such provisions operates any aircraft in this state or knowingly permits any aircraft owned by such person to be operated by another in this state is guilty of a misdemeanor.

CHAPTER 5. DECLARATION OF INTENT

24410. It is the purpose of this part to establish minimum standards for aircraft financial responsibility, and nothing in this part shall be construed as preventing any local city or county ordinance from exceeding the minimum insurance requirements prescribed in this part.

SEC. 3. The sum of twenty-eight thousand two hundred fifty dollars ($28,250) is hereby appropriated from the Aeronautics Fund, notwithstanding the provisions of subdivision (f) of Section 8352 of the Revenue and Taxation Code, to the Division of Aeronautics for the purpose of administering this act.

CHAPTER 1453

An act to amend Section 5366 of the Revenue and Taxation Code, relating to aircraft taxation.

[Approved by Governor August 24, 1968. Filed with Secretary of State August 26, 1968.]

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

SECTION 1. Section 5366 of the Revenue and Taxation Code is amended to read:

5366. Owners, as well as operators, of private and public airports shall, within 15 days following the lien date of each year, provide the assessor of the county in which the airport is situated with a statement containing a list of names and addresses of the owners of all aircraft which were using the airport as a base. The assessors of each county shall, within 30 days following the lien date of each year, provide the California Division of Aeronautics a statement containing a list of names, addresses of owners, make, model, aircraft registration number and assessed value of all aircraft which were using airports in the county as a base.

CHAPTER 1454

An act to amend Section 22825 of the Government Code, relating to Meyers-Geddes State Employees' Hospital and Medical Care Act.

[Approved by Governor August 24, 1968. Filed with Secretary of State August 26, 1968.]

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

SECTION 1. Section 22825 of the Government Code is amended to read:

22825. The employer and each employee or annuitant shall contribute a portion of the cost of providing for each employee

and annuitant the benefit coverage afforded under any health benefit plan which the board has approved or for which it has executed a contract pursuant to this part, and in which the employee or annuitant may be enrolled.

The employer's contribution shall be the amount necessary to pay the cost of a basic health benefits plan, or eight dollars ($8) per month for each employee or annuitant, whichever is the lesser; provided, however, that there shall be only one such contribution with respect to all annuitants receiving allowances as survivors of the same employee or annuitant. The employer's contribution to the basic health benefits plan to each employee shall commence on the first day of the calendar month next following the completion of six months of employment by the employer; provided the employment has not been interrupted by a break of more than one month, except that absence for military service shall not be considered a break.

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him under the plan less the portion thereof to be contributed by the employer.

CHAPTER 1455

An act to add Part 4 (commencing with Section 14000) to Division 3, Title 1 of the Corporations Code, relating to California job development corporations, and making an appropriation therefor.

[Approved by Governor August 24, 1968. Filed with Secretary of State August 26, 1968.]

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

SECTION 1. Part 4 (commencing with Section 14000) is added to Division 3, Title 1 of the Corporations Code, to read:

PART 4. CALIFORNIA JOB DEVELOPMENT CORPORATIONS

CHAPTER 1. CALIFORNIA JOB DEVELOPMENT CORPORATIONS

Article 1. General Provisions

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

14001. The Legislature finds that:

(a) Unemployment in economically disadvantaged areas of California is a matter of statewide concern requiring concerted public and private action to develop employment opportunities for the disadvantaged.

(b) It is necessary to direct additional capital, management assistance, business education, and other resources to economically disadvantaged areas to encourage the development of

small business opportunity, minority group entrepreneurship, and alleviation of unemployment in economically disadvantaged areas.

14002. It is the intention of the Legislature in enacting this part to promote the health, safety, and social welfare of the citizens of California and to eliminate unemployment in economically disadvantaged areas of the state, and to do this by stimulating economic development, employment, minority group entrepreneurship, and job training within economically disadvantaged areas by encouraging job-producing industry to locate or expand there, and making available capital, management assistance, and other resources, including loan services, personnel and business education, to small business entrepreneurs in economically disadvantaged areas. It is the further intent of the Legislature to provide a flexible means to mobilize and commit all available and potential resources in the various regions of the state to fulfill these objectives. It is the further intent of the Legislature that corporations operating pursuant to this law, shall to the maximum extent feasible, coordinate with other job training and other job development efforts within their region directed toward implementing the purpose of this chapter.

Article 2. Definitions

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

(a) "Corporation" or "the corporation" means any nonprofit California Job Development Corporation created pursuant to the provisions of this chapter.

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

(c) "Economically disadvantaged area" means the area or areas of operation of a corporation consisting of those contiguous census tracts within urbanized areas, as defined by the 1960 Federal Decennial Census, in which 20 percent or more of the families were reported by the most recent federal decennial census to have income of less than three thousand dollars ($3,000) per year, or comparable areas which, because of technical factors, cannot be isolated by census tracts. The definition set forth in this subdivision shall be reviewed periodically and the board shall recommend necessary changes to the Legislature and the Governor.

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

(e) "Small business loan" means a loan to a business that employs not more than 15 persons or that has gross receipts of not more than two hundred fifty thousand dollars ($250,000) per year in economically disadvantaged areas.

(f) "Employment incentive loan" means a loan for the purpose of attracting new business to, or expanding an existing business in, economically disadvantaged areas, which will result in the employment of at least 15 persons residing in such areas.

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

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

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

(j) "Membership agreement" means an agreement between a corporation and any financial institution, nonprofit organization, or other business, under which agreement such financial institution, nonprofit organization, or other business agrees to lend funds, or make available or contribute other resources to the corporation in accordance with the provisions of Article 8 (commencing with Section 14070) of this chapter.

(k) "Board of directors" means the board of directors of the corporation.

(*l*) "Loan limit" means the maximum aggregate amount that a member may lend to a corporation as determined under the provisions of this chapter.

(m) "Executive board" means the California Job Development Corporation Law Executive Board.

Article 3. The California Job Development Corporation Law Executive Board

14020. There is in state government a California Job Development Corporation Law Executive Board.

14021. The executive board consists of the following membership:

Superintendent of Banks;

Secretary of the Human Relations Agency;

Director of the Department of Commerce;

Nine members appointed by the Governor, including:

Two persons residing in economically disadvantaged areas who are actively engaged in providing leadership and assistance for persons residing in these areas;

Four persons experienced in financial matters and actively engaged in the banking, savings and loan, or insurance business;

Two persons actively engaged in commercial or industrial business; and

One person who is an officer of a labor organization.

Two Members of the Legislature, one of whom shall be appointed by the Speaker of the Assembly, and one by the Senate Rules Committee, shall advise with the board insofar as it does not conflict with the duties of the legislators. For purposes of this chapter, such two Members of the Legislature shall constitute a joint interim legislative committee on the subject of this chapter and shall have all the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

One person from each job development corporation, who shall be selected by the board of directors or members of each corporation in accordance with its bylaws, each of whom shall serve as nonvoting members of the executive board.

14023. The executive board shall:

(a) Adopt regulations for the operation, supervision and suspension of job development corporations and the allocation of funds thereto pursuant to this chapter within 90 days after the effective date of this chapter.

(b) Stimulate the formation of regional job development corporations.

(c) Review the articles of incorporation and any subsequent amendments to the articles of incorporation of all corporations formed under this chapter in the following manner:

(1) Examine the articles to determine whether they contain the provisions required by this chapter and conform with the regulations adopted by the executive board for the operation and suspension of job development corporations.

(2) Determine whether the legislative intent expressed in Section 14002 shall be served by the proposed corporation.

(3) Determine if the economically disadvantaged area the incorporators propose to serve meets the requirements of subdivision (c) of Section 14010.

(4) Determine if the region is sufficient and complete and meets the population requirement set by subdivision (d) of Section 14010.

(5) Determine whether the responsibility, character, and general fitness of the incorporators and directors named in the articles are such as to command the confidence of the region and to warrant the belief that the business of the proposed corporation will be honestly and efficiently conducted in accordance with the intent and purpose of this chapter and that they include representatives of the financial and business community as well as local government and the economically disadvantaged.

(6) Approve or disapprove the articles and any subsequent amendments to the articles expeditiously.

(d) Establish rules and regulations in conformity with existing law for approval of a member's direct loans to a borrower in an economically disadvantaged area for the purpose of the loan guarantee fund and adopt any other rules and regulations to carry out the purposes of this chapter.

(e) Allocate, with the approval of the Department of Finance, funds appropriated for the purpose of this chapter to provide administrative costs and loan guarantee funds to corporations established under this chapter in accordance with regulations adopted by the executive board.

(f) Require each job development corporation to submit a written plan of operation in such form and containing such information as the executive board may require by regulation or otherwise.

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

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

(b) That the corporation will agree to repay administrative cost allocations within a reasonable period of time.

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

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

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

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

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

(5) An agreement to require, as a condition to the granting of any loan or guarantee, that the borrower in an employment incentive loan will accept for permanent employment a significant number of disadvantaged persons referred for placement by the Department of Human Resources Development or the Department of Employment. There shall be no discrimination on the basis of race by an employment incentive borrower in hiring employees from disadvantaged areas. To prevent discrimination, the minority group characteristics of these employees shall, to the fullest extent possible consistent with pro-

visions of law, coincide with the minority group characteristics of the unemployed in the economically disadvantaged area.

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

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

14025. The executive board may adopt such rules and regulations as it deems necessary or expedient to provide for the proper administration of any funds allocated to a job development corporation.

14025.5. If the executive board determines that the corporation is not meeting the criteria, rules, and regulations of the board, its proposed plan of operation submitted under subdivision (f) of Section 14023, and the purposes of this chapter, the executive board, with the approval of the Department of Finance, may withdraw state funds allocated to a regional job development corporation loan guarantee fund which are not encumbered or obligated by outstanding guarantees, and such state funds may be allocated to other regional job development corporation loan guarantee funds pursuant to this chapter.

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

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

14025.6. Any corporation which has suffered the suspension may be relieved therefrom upon making an application therefor in writing to the board and upon return of the state funds and payment of interest, and upon the issuance of a certificate of revivor by the Secretary of State upon the request of the executive board.

14026. The executive board shall have the power to examine, or cause to be examined, at any reasonable time all of the books, records, documents of every kind, and the physical properties of a corporation. Such inspection shall include the right to make extracts of such records.

14027. The executive board shall report annually to the Legislature and the Governor indicating steps which have been taken to fulfill the purpose of this chapter during the preceding calendar year, which report shall describe:

(a) Action taken to encourage the formation of job development corporations.

(b) Evaluation of corporations formed under this chapter, including annual financial statements of each corporation.

(c) Businesses located and expanded and the number of jobs created through employment-incentive loans.

(d) Small businesses established or assisted under this chapter.

(e) Recommendations for action by the Governor and Legislature to carry out the purposes of this chapter.

14028. The executive board shall:

(a) Select a chairman and vice chairman from among its members.

(b) Appoint an executive director who shall implement policies of the executive board and who may, with the prior approval of the board, appoint other persons to the staff of the executive board.

14029. The executive board may:

(a) Receive, with the approval of the Department of Finance, and disburse federal, state, or local funds.

(b) Contract for services.

(c) Hold public hearings.

(d) Appoint such advisory groups as may be necessary to carry out its powers and duties.

(e) Call upon and reimburse for services any state agency or department for assistance in carrying out its objectives.

(f) Exercise such other powers as may be necessary to carry out the purposes of this chapter.

Article 4. Incorporation of Nonprofit California Job Development Corporation

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

14031. The incorporators shall deliver, or cause to be delivered, to the executive board, the articles of incorporation required by this chapter.

14032. The articles of incorporation shall set forth:

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

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

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

(d) The names and addresses of seven or more persons who are to act in the capacity of directors until the selection of

their successors, which number shall constitute the number of directors of the corporation until changed by an amendment to the articles of incorporation.

(e) That the corporation is organized pursuant to the California Job Development Law.

14033. If the executive board shall, upon the basis of the facts disclosed by the investigation provided by subdivision (c) of Section 14023 find that the proposed incorporation meets all the requirements of this chapter, it shall approve the articles and endorse the approval thereon and forward the same to the Secretary of State for his approval and filing. Likewise, the executive board shall approve all amendments to the articles and endorse the approval on the amendatory document before the document is forwarded to the Secretary of State for his approval and filing.

14034. The corporation's existence begins upon the filing of the articles with the Secretary of State and continues perpetually, unless otherwise expressly provided by law.

Article 4.5. Bylaws

14035. Every job development corporation shall adopt bylaws, which shall include provisions governing the election and qualification of directors; the qualification, admission, withdrawal, suspension, and expulsion of members; the rights, powers, privileges, and voting powers of members; the establishment and functions of loan committees of the corporation; the method of levying assessments upon members; and the method of selecting the representative of the corporation on the executive board.

14036. The bylaws of a job development corporation and any amendment thereto shall become effective only when approved by the executive board and when a copy thereof certified by an appropriate officer of the job development corporation has been filed with the executive board.

Article 5. The State Job Development Loan Guarantee Fund

14040. There is hereby created in the State Treasury the State Job Development Loan Guarantee Fund.

14041. The State Job Development Loan Guarantee Fund is created solely for the purpose of receiving state, federal, or local government money, and other public or private money, for subsequent allocation by the executive board, with the approval of the Department of Finance, to a regional job development corporation loan guarantee fund formed pursuant to Section 14045.

14043. All money deposited in the State Job Development Loan Guarantee Fund is hereby appropriated, without regard to fiscal years, for the purposes of this chapter. The state shall not be liable or obligated in any way beyond the state money

which is allocated and deposited in the State Job Development Loan Guarantee Fund from state money which is appropriated for such purposes.

14044. The funds in the State Job Development Loan Guarantee Fund shall be paid out to a regional job development corporation loan guarantee fund by the State Treasurer on warrants drawn by the Controller and requisitioned by the executive board pursuant to the purposes of this chapter.

Article 6. Regional Job Development Corporation Loan Guarantee Fund

14045. Every corporation formed under this chapter may establish a regional job development corporation loan guarantee fund pursuant to regulations adopted by the executive board in Section 14023. Such fund shall not be subject to any state regulation other than by the executive board and Department of Finance.

14046. The purpose of a regional job development corporation loan guarantee fund shall be to guarantee member loans based upon a call of the corporation or member loans directly to borrowers, as otherwise authorized by law, which meet the California Job Development Corporation Law loan criteria established by the executive board, policies of the corporation, and provisions of Article 7.5 (commencing with Section 14066) of this chapter. The state shall not be liable or obligated in any way as a result of the allocation of state money to a regional job development corporation loan guarantee fund beyond the state money which is allocated and deposited in the fund pursuant to this chapter, and which is not otherwise withdrawn by the state pursuant to this chapter.

14047. The corporation shall use all reasonable means to maintain and enlarge the Job Development Corporation Loan Guarantee Fund, in order to accomplish the purposes of this chapter.

Article 7. Board of Directors

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

14061. The directors shall include representatives of the financial and business community as well as local government and the economically disadvantaged.

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

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

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

14063. If any director ceases to meet the qualifications established in Section 14062, he shall immediately vacate his position as a director and such position shall be deemed vacant.

14064. If any vacancy occurs in the elective membership of the board of directors through death, resignation, or otherwise, the remaining directors shall elect a person representing the appropriate category as provided in Section 14061 to fill the vacancy for the unexpired term.

Article 7.5. Job Development Corporation Loan Committee

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

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

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

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

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

Article 8. Members

14070. Notwithstanding any other law, rule, or regulation, any financial institution, nonprofit organization, or other business may become a member of a job development corporation, if accepted for membership by the board of directors.

14071. Each member shall lend funds to the corporation or make other resources available as negotiated in the membership agreement and when called upon by the corporation to do so, but the total amount on loan by any member shall not exceed the loan limits determined by Section 14072 and the membership agreement, which shall not exceed loan limits specified by Section 14072.

14072. No member shall have on loan at any one time to any one or more job development corporations a principal amount in excess of the following limits, which loan limits shall be established at the thousand-dollar amount nearest to the computed amount. The loan limits of the following institutions are:

(a) State-chartered banks and trust companies, and national banking associations—2 percent of capital and surplus.

(b) Savings and loan associations—2 percent of capital and surplus.

(c) Mutual savings and loan associations—2 percent of reserves.

(d) Stock insurance companies—2 percent of capital and surplus.

(e) Surety and casualty companies—2 percent of capital and surplus.

(f) Mutual insurance companies—2 percent of guarantee funds or surplus, whichever is applicable.

(g) Comparable limits for other organizations, as may be established by the board of directors.

14073. The board of directors may, in accordance with the bylaws of the corporation, from time to time exercise the right of the corporation to borrow from its members, pursuant to Section 14071, by issuing written notice at least 30 days in advance of the date of payment, stating the aggregate amount to be borrowed and the terms of such borrowing. All such borrowings shall be be prorated among the membership of the corporation in the same proportion as the maximum loan limit of each bears to the aggregate loan limits of all members of the corporation.

14074. Upon six months' prior written notice to the board of directors, a member of the corporation may withdraw from membership, effective at the end of such six-month period and, after the effective date of such withdrawal, such member shall be free of obligations under this chapter except those accrued or committed by such corporation prior to such effective date of withdrawal.

14075. In all matters requiring the vote or written consent of the membership, each member shall have one vote, and each member shall have one additional vote for every fifty thousand dollars ($50,000) increment of its loan limit and for each five thousand dollars ($5,000) of other resources actually contributed to the corporation. The value of other resources contributed to the corporation shall be the market value of such other resources as determined by the board of directors of the corporation, provided, however, that any director of the corporation who is a director, officer, or employee of the member contributing the other resources shall not participate in or vote on the determination of the value of such other resources.

14076. A member shall have the right, at any reasonable time, to inspect the membership list and record of loan limits of members, and such list and records shall be included in the annual report of every job development corporation.

Article 9. Powers and Limitations

14080. The provisions of the General Nonprofit Corporation Law (Part 1 (commencing with Section 9000), Division 2 of this title) relative to nonprofit corporations apply to corporations formed under this chapter, except as to matters otherwise provided for in this chapter.

14081. In furtherance of the purposes set forth in Section 14002, a job development corporation may lend money to, and guarantee, endorse, or act as surety on the bonds, notes, contracts, or other obligations of, or assist financially, any person, firm, corporation or association, and may establish and regulate the terms and conditions with respect to any such loans or financial assistance and the charges for interest and service connected therewith, provided, however, that the corporation shall not make or guarantee any loan unless and until it determines:

(a) There is no probability that the loan or other financial assistance would be granted by a financial institution,

(b) The loan proceeds shall be used exclusively in economically disadvantaged areas, and

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

Article 10. Participation

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

Article 11. Annual Audit and Report

14100. Every job development corporation shall cause its accounts to be audited by an independent certified public accountant or an independent public accountant as of the close of business on December 31 of each year and shall bear the cost of such audit and examination.

14101. The corporation shall make an annual report to the advisory board, including the results of the audit and any additional information requested by the executive board, on or before March 1st of each year.

Article 11.5. Conflicts of Interest

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

(a) Ask for, consent or agree to receive, any commission, emolument, gratuity, money, property, or thing of value for his own use, benefit, or personal advantage, for procuring or endeavoring to procure for any person, partnership, joint ven-

ture, association, or corporation any loan, guarantee, financial or other assistance from any job development corporation.

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

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

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

14112. Violation of any provision of this article shall constitute a felony.

Article 12. Depositories

14115. The corporation shall not deposit any of its funds in any banking organization unless such banking organization has been designated as a depository by a vote of the majority of all of the directors of the corporation, exclusive of any director who is an officer or director of the depository so designated. The corporation shall not receive money on deposit.

Article 13. Miscellaneous

14120. A corporation may authorize any financial institution, including any member of a corporation, to act as its agent and to render such administrative, auditing, collecting and other related fiscal services as shall be deemed necessary for the proper and efficient operation and management of the corporation.

14121. Whenever a compromise or arrangement or any plan of reorganization of the corporation is proposed between the corporation and its creditors or members, the superior court, by virtue of its general equity powers may, on application of the corporation or of any creditor or member thereof, or on the application of any receiver or receivers appointed for the corporation, order a meeting of such creditors or members, as the case may be, as may be affected by the proposed compromise or arrangement or plan of reorganization which shall be called in such manner as the court directs. If, at such meeting, the compromise or arrangement or plan of reorganization is agreed to by or on behalf of the creditors, if

affected thereby, holding two-thirds in amount of the claims against the corporation, and by or on behalf of the members, if affected thereby, holding two-thirds in amount of the outstanding notes or other interest-bearing obligations of such corporation, and if such agreement shall be further evidenced by the written acceptance of such creditors, and members, duly filed in the court, such compromise or arrangement or plan of reorganization shall, if approved by the court as just and equitable, be binding on all creditors, or members, as the case may be, who are affected thereby, and the corporation. All persons who become creditors or members of the corporation shall be deemed to have become creditors or members subject in all respects to this section and the same shall be absolutely binding upon them. For the purposes of this section only, members shall not be deemed to be creditors and shall act under this section as a separate class.

14122. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

SEC. 2. There is hereby appropriated from the General Fund to the Department of Finance the sum of one million dollars ($1,000,000) for the purposes of this act to be allocated by the department to effectuate the purposes of this act.

SEC. 3. This act shall become operative only if Assembly Bill No. 1463 of the 1968 Regular Session is enacted.

CHAPTER 1456

An act making an appropriation for the support of the Advisory Committee on School District Budgeting and Accounting.

[Approved by Governor August 24, 1968 Filed with Secretary of State August 26, 1968.]

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the Department of Education the sum of one hundred nineteen thousand one hundred fifty-seven dollars ($119,157) for support of the Advisory Commission on School District Budgeting and Accounting to carry out the purposes of Sections 371 and 372 of, and Article 2 (commencing with Section 20621) of Chapter 2 of Division 16 of, the Education Code; provided, that this appropriation shall be available only if the Superintendent of Public Instruction makes a finding that federal funds are not available for purposes of the Advisory Commission on School District Budgeting and Accounting.

CHAPTER 1457

An act to amend Sections 16310, 16470, 16475, and 16480.8 of, and to repeal Section 16310.5 of, the Government Code, relating to state funds.

[Approved by Governor August 24, 1968. Filed with Secretary of State August 26, 1968.]

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

SECTION 1. Section 16310 of the Government Code is amended to read:

16310. When the General Fund in the Treasury is or will be exhausted, the Controller shall notify the Governor and the Pooled Money Investment Board. The Governor may order the Controller to direct the transfer of all or any part of the money not needed in other funds or accounts to the General Fund from such funds or accounts, as determined by the Pooled Money Investment Board including the Surplus Money Investment Fund or the Pooled Money Investment Account. All money so transferred shall be returned to the funds or accounts from which it was transferred as soon as there is sufficient money in the General Fund to return it. No interest shall be charged or paid on any transfer authorized by this section except as provided herein. This section does not authorize any transfer which will interfere with the object for which a special fund was created nor any transfer from the Central Valley Water Project Construction Fund, the Central Valley Water Project Revenue Fund, or the California Water Resources Development Bond Fund.

In the event that the total money transferred to the General Fund in any fiscal year from any special fund pursuant to this section exceeds an amount equal to 10 percent of the total additions to surplus available for appropriation as shown in the statement of operations of the preceding fiscal year as set forth in the annual report of the Controller, interest shall be paid on such excess computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which transferred.

SEC. 2. Section 16310.5 of the Government Code is repealed.

SEC. 3. Section 16470 of the Government Code is amended to read:

16470. The Pooled Money Investment Board shall, at such times as it deems necessary, determine whether any portion of the money then on deposit in the State Treasury to the credit of any fund, exclusive of the General Fund, is not necessary for immediate use; and if so, it shall determine the amount thereof in each such fund, which amount shall thereupon be designated as "surplus money." This article does not apply to any fund included within subdivisions (b), (c), (d), (e), and (f) of Section 16475, or the State Highway Fund, the

Public Employees' Retirement Fund, Legislators' Retirement Fund and State Teachers' Retirement Fund.

Any special fund excepted from this article may elect, by filing with the Pooled Money Investment Board a notice of election, to come under the provisions of the Surplus Money Investment Fund; which election shall be revocable by such special fund effective as of December 31st or June 30th of any year upon 30 or more days' notice prior to either of said dates.

SEC. 4. Section 16475 of the Government Code is amended to read:

16475. As of December 31 and June 30 all interest earned and other increment derived from investments made pursuant to this article shall, on order of the State Controller, be deposited in the Surplus Money Investment Fund. The State Controller, after deducting expenses incurred under this article by the State Treasurer in investing in securities or time bank deposits and in collecting bonds and bond coupons, shall apportion as of December 31st and June 30th of each year to the following funds in the State Treasury all interest earned or increment derived from the investments authorized by this article for the six calendar months ending with such dates:

(a) The General Fund;

(b) Each fund into which are deposited or which contains moneys collected from any tax now or hereafter imposed by the state upon the manufacture, sale, distribution, or use of motor vehicle fuel, for use in motor vehicles upon the public streets and highways;

(c) Each fund into which are deposited or which contains moneys collected from motor vehicle and other vehicle registration license fees or from any other tax or license fee now or hereafter imposed by the state upon vehicles, motor vehicles or the operation thereof, except those taxes and license fees which, by the provisions of Section 4 of Article XXVI of the Constitution of this state are exempted from the provisions of Section 2 of said Article XXVI;

(d) Each fund into which are deposited or which contains moneys collected under the provisions of any law of this state relating to the protection, conservation, propagation, or preservation of fish, game, mollusks, or crustaceans, and fines imposed by any court for the violation of any such law;

(e) Each fund into which are deposited or which contains moneys available for construction, repair, replacement, maintenance or operation of public works of the state, including, but not limited to, the facilities of the State Water Resources Development System, as defined in Section 12931 of the Water Code, toll facilities financed, built, or acquired pursuant to the California Toll Bridge Authority Act, or moneys available for the payment of principal or interest on bonds issued to provide for the construction of such facilities;

(f) Every other fund in respect to which the Board of Control on the advice of the Attorney General determines that the

operation of the State or Federal Constitution prohibits the expenditure of interest received under this article and allocated on the basis of amounts in such fund for General Fund purposes.

(g) Each fund not included within subdivisions (a) to (f), inclusive, of this section.

Such apportionments shall be made by the State Controller in the following manner:

(1) All money not apportioned to the funds referred to in (b), (c), (d), (e), (f), and (g) herein shall be apportioned to the General Fund.

(2) There shall be apportioned to each of the funds referred to in (b), (c), (d), (e), (f), and (g) herein an amount directly proportionate to the respective amounts transferred from such funds to the Surplus Money Investment Fund and the length of time such amounts remained therein.

SEC. 5. Section 16480.8 of the Government Code is amended to read:

16480.8. If any provision in this chapter, or the application thereof to the money in any fund in the Treasury, is held invalid, the remaining provisions of this chapter shall not be affected thereby.

The provisions of this article and Article 4 (commencing with Section 16470) of Chapter 3 of Part 2 of Division 4 of Title 2 of the Government Code supersede any other provision of law relating to the investment of state funds by any state agency other than the Pooled Money Investment Board except for those funds included in subdivisions (b), (c), (d), (e), and (f) of Section 16475 of this code.

CHAPTER 1458

An act to amend Section 21404 of, and to add Section 21404.1 to, the Public Utilities Code, relating to aircraft.

[Approved by Governor August 24, 1968. Filed with Secretary of State August 26, 1968.]

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

SECTION 1. Section 21404 of the Public Utilities Code is amended to read:

21404. Subject to Section 21406, the liability of the owner or pilot of an aircraft carrying passengers for injury or death to the passengers is determined by the rules of law applicable to torts on the land or waters of this state, arising out of similar relationships. Every owner of an aircraft is liable and responsible for death or injury to person or property resulting from a negligent or wrongful act or omission in the operation of the aircraft, in the business of the owner or otherwise, by

any person using or operating the same with the permission, express or implied, of the owner.

SEC. 2. Section 21404.1 is added to the Public Utilities Code, to read:

21404.1. (a) The liability of an owner, bailee of an owner, or personal representative of a decedent imposed by Section 21404 and not arising through the relationship of principal and agent or master and servant is limited to the amount of fifteen thousand dollars ($15,000) for the death of or injury to one person in any one accident and, subject to the limit as to one person, is limited to the amount of thirty thousand dollars ($30,000) for the death of or injury to more than one person in any one accident and is limited to the amount of five thousand dollars ($5,000) for damage to property of others in any one accident.

(b) An owner, bailee of an owner, or personal representative of a decedent is not liable under this section for damages imposed for the sake of example and by way of punishing the operator of the aircraft. Nothing in this subdivision makes an owner, bailee of an owner, or personal representative immune from liability for damages imposed for the sake of example and by way of punishing him for his own wrongful conduct.

CHAPTER 1459

An act to repeal Chapter 16 (commencing with Section 8900) of Division 3 of the Business and Professions Code, and to amend Sections 80.2, 80.4, and 82 of, and to add Article 5 (commencing with Section 76) to Chapter 2 of Division 1 of, the Harbors and Navigation Code, relating to yachts and ships.

[Approved by Governor August 24, 1968. Filed with Secretary of State August 26, 1968.]

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

SECTION 1. Chapter 16 (commencing with Section 8900) of Division 3 of the Business and Professions Code is repealed.

SEC. 2. Article 5 (commencing with Section 76) is added to Chapter 2 of Division 1 of the Harbors and Navigation Code.

Article 5. Yacht and Ship Brokers

76. This article constitutes the article on yacht and ship brokers. It may be cited as the Yacht and Ship Brokers Act.

76.1. Unless the context otherwise requires, the following definitions shall govern the construction of this article:

(a) "Broker" refers to a person who, as a whole or partial vocation, sells or offers for sale, buys or offers to buy, lists, solicits prospective purchasers of, negotiates the purchase or sale or exchange of, charters, offers to charter, negotiates the

charter of, leases, rents, places for lease or rent, or negotiates loans on, yachts or ships.

A person shall be deemed to be a broker, within the meaning of this section, if, he does any of the acts or participates in any of the transactions herein defined, even though at some subsequent time he may obtain title to, or procure in his own name the certification or registration of, the yacht or ship in question.

(b) "Department" refers to the Department of Harbors and Watercraft.

(c) "Director" refers to the Director of Harbors and Watercraft.

(d) "Fund" refers to the Yacht and Ship Brokers Fund.

(e) "Person" includes individual, copartnership, association, and corporation.

(f) "Salesman" refers to an individual who, as a whole or partial vocation, for compensation, is employed by a licensed broker to do any or all things that the broker may do under this article.

(g) "Yacht" and "ship" refer to any vessel for navigating in water which is self-propelled or is propelled by sail, oars, paddle, or other mechanical means.

76.2. One act, whether the sole or a principal or incidental object of the particular transaction, by any person, which would classify such person as a broker or salesman under this article, is sufficient to render applicable the provisions of this article.

76.3. Except as otherwise provided by law, all records of the department relating to yacht and ship brokers and salesmen shall be open to inspection by the public during regular office hours.

76.4. The director may:

(a) In accordance with the State Civil Service Act, select, employ and fix the compensation of such employees as may be necessary properly to administer this article.

No employee of the department shall be interested in any company or brokerage firm as director, stockholder, officer, member, agent, or employee, nor act as a broker or salesman, or have any interest with any broker or salesman.

The director may prescribe the duties of all employees.

(b) Regulate and control the issuance and revocation, both temporary and permanent, of the licenses issued under this article.

(c) Prescribe rules and regulations to carry this article into effect. All such rules and regulations shall become effective as provided in Chapter 4 5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) Perform all other acts and duties necessary for the proper enforcement of this article.

(e) Institute proceedings in any court of competent jurisdiction to enforce the provisions of this article by injunction or otherwise.

(f) The department may establish branch offices in such other cities as may be necessary for the proper administration of this article.

76.5. The department may adopt a seal and such other device as they may desire thereon, which may be used to authenticate all papers and documents required by this article which are under their control.

Copies of all records and papers required by this article which are in the department's office shall be received in evidence in all cases, when certified under the hand and seal of the department, equally and with like effect as the originals.

76.6. The Attorney General shall act as the attorney for the department in all actions and proceedings pursuant to this article and shall render to the department opinions upon all questions of law arising under this article or in its administration.

76.7. Every violation of this article is a misdemeanor. The department shall publish or cause to be published on or before July 1st of each year a directory of licensed brokers and salesmen and may publish such additional information as it deems expedient. The director and any member of the department may administer oaths for the purpose of administering this article.

The department may also issue a periodical bulletin concerning affairs arising under the administration of this article.

The department shall submit to the Governor a full and true report of transactions under this article, including a complete statement of receipts and expenditures during the preceding two years. This report shall be a part of the biennial report of the department.

76.8. (a) It is unlawful for any person to engage in the business or act in the capacity of a yacht and ship broker or salesman without first obtaining a license to do so.

(b) Only the person to whom a license is issued may perform or offer to perform any act subject to the provisions of this article.

(c) No fictitious name shall be used by a broker in the conduct of any business for which a license is required under this article unless a license bearing such fictitious name has been issued to such broker.

77. This article does not apply:

(a) To a transaction involving the sale by a person other than a licensee of his own yacht or ship.

(b) To services rendered by an attorney at law in performing his duties as such attorney at law.

(c) To any receiver, trustee in bankruptcy, or other person acting under the order of any court.

(d) To a transaction involving the sale of a new yacht or ship by a person who only sells new yachts or ships.

(e) To any transaction involving the foreclosure of a security interest in a yacht or ship.

77.1. Any person purchasing used yachts or ships for resale shall transfer actual title to any such yacht or ship into his name and have in his possession, subject to inspection by the department, a good and sufficient bill of sale or other fit evidence of title if such person wishes to claim exemption under this article.

77.2. (a) All applications for licenses shall be made in writing, and every application shall be accompanied by the recommendations of two yacht and ship or real estate brokers of the county in which the applicant resides or has his place of business, certifying that the applicant is honest, truthful, and of good reputation, and recommending that the applicant be granted a license.

If the applicant has not resided or engaged in business in the county for at least one year, the yacht and ship or real estate brokers of any county in which he formerly resided or had his place of business may make such recommendations.

Each individual applicant shall be at least 21 years of age.

(b) The department may deny a license upon applicant's failure to:

(1) Pass the written examination.

(2) Furnish satisfactory certification of honesty, truthfulness, and good reputation, and recommendations that a license be issued.

(3) Certify that he has never been convicted of a felony.

(4) Post the required bond as provided in subdivision (a) of Section 77.3. The department may also deny a license in the event an applicant has been convicted of a felony.

77.3. (a) Every applicant for a broker's license or renewal thereof shall deposit with the department a good and sufficient surety bond issued by a company authorized to do business in this state in the amount of two thousand five hundred dollars ($2,500) and in such form and on such conditions as the department may require for the protection of persons with whom such applicant may deal as a licensee, or in lieu thereof, bonds of the United States government of a cash value of two thousand five hundred dollars ($2,500).

(b) Any person claiming to be injured by the fraud, deceit, or willful negligence of any broker, or by the failure of any broker to comply with the provisions of this article, may bring an action upon the bond deposited with the department against both the principal and the surety in any court of competent jurisdiction to recover the damage caused by such fraud, deceit, willful negligence, or failure to comply with the provisions of this article. In the event that a broker fails to pay any sum owed to any creditors arising out of any transaction in which such broker acted in his capacity as a broker, the department shall call and hold a hearing, as near as may 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, to determine the names and addresses of all such creditors, together with the amounts due and owing to them

and each of them. The publication of one notice of the hearing in a magazine or newspaper of general circulation devoted to the yacht and ship business shall constitute sufficient notice of the hearing. Each creditor claiming that a sum is owed to him shall file with the department at the hearing a verified statement of his claim. Upon ascertaining all claims and statements in the manner herein set forth, the department may then make demand upon the bond on behalf of those claimants whose statements have been filed, and shall have the power to settle or compromise such claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved. Upon the refusal of the surety company to pay the demand, the department shall thereupon bring an action on the bond in behalf of such creditors. Upon any action being commenced on such bond the department may require the filing of a new bond and immediately upon the recovery in any action on such bond such broker shall file a new bond and upon failure to file the same within 10 days in either case, such failure shall constitute grounds for the suspension or revocation of his license.

(c) Upon the filing of notice with the department by any surety of its withdrawal as surety for any licensee pursuant to Section 2851 of the Civil Code, the department shall forthwith give notice to the licensee of the withdrawal which notice shall be by registered mail with request for return receipt and shall be addressed to the licensee at his principal office as shown by the records of the department. The license of any licensee shall be suspended and shall be returned to the department upon the termination of the bond of the surety as provided in Section 2851 of the Civil Code, unless, prior to the termination, a new bond has been filed with the department.

77.4. Every broker shall maintain a definite place of business in this state as his principal office and may establish other branch offices throughout the state.

Every broker maintaining more than one place of business within this state shall procure an additional license for every branch office maintained by him.

77.5. (a) Every license issued to a corporation entitles an officer of the corporation to act as the licensee under the license and every license issued to a copartnership entitles one member to act as the licensee under the license.

Any member of a copartnership who desires to act as a broker or salesman under this article on his own behalf shall procure a license.

(b) Every corporation making application for a license under this article shall furnish the department with a resolution of its board of directors, giving the name of the officer who is to act for and on behalf of the corporation, and every copartnership making an application for a license under this article shall set forth in the application the name of the partner who is to act under a license for and on behalf of the copartnership.

(c) Every corporation licensed under the provisions of this article may, by a resolution of its board of directors, substitute another officer for the one named in the license; provided, the person to be substituted qualifies by passing a written examination and the corporation pays the required fees, as set forth in this article.

(d) Every copartnership licensed under the provisions of this article may substitute another partner for the one named in the license; provided, such partner qualifies by passing the written examination and the copartnership pays the required fees as set forth in this article.

77.6. (a) Any person who has been denied a license or whose license has been revoked or is under suspension or has not been renewed while under suspension, or any person who has been a member of a partnership or an officer or director of a corporation the license of which has been revoked or is under suspension or has not been renewed while under suspension and who while acting as such partner, officer, or director participated in the acts for which the license was suspended or revoked, may be prohibited from serving as a member of a licensed partnership or as an officer or director of a licensed corporation, and the employment, election, or association of such person in such capacity by an applicant or a licensee shall constitute grounds for the denial of an application and the suspension or revocation of a license.

(b) Every license shall be prominently displayed in the office of the broker in which the business of the broker or salesman is transacted.

(c) Every salesman's license shall remain in the possession of the broker by whom the salesman is employed until canceled or until he leaves the employment of the broker. Immediately upon the salesman's withdrawal from the employment of the broker, the broker shall return the salesman's license to the department for cancellation.

(d) Upon the issuance of a license, a pocket card of such size, design, and content as may be determined by the department may be issued without charge to each licensee, if an individual, or if the licensee is a person other than an individual, to its manager and to each of its officers, directors, members, and partners, which card shall be evidence that the licensee is duly licensed pursuant to this article. When any person to whom a card is issued terminates his position, office, or association with the licensee, the card shall be surrendered to the licensee and within five days thereafter shall be mailed or delivered by the licensee to the department for cancellation.

77.7. (a) Within one month after the closing of a transaction in which title to a yacht or ship is conveyed from a seller to a purchaser through a licensee under this article, such licensee shall inform or cause the information to be given to the seller and purchaser in writing of the selling price thereof; and in the event an exchange of yachts or ships is involved, such information shall include a description of such property and

amount of added money consideration, if any. If any transaction is closed through escrow and the escrow holder renders a closing statement which reveals such information, that shall be deemed compliance with this subdivision on the part of the licensee.

(b) Before any licensee under this article shall engage in any transaction for which a license is required under this article, he shall obtain a written authorization from his principal to so act. A telegraphic authorization from the principal shall be deemed to comply with the requirements of this subdivision.

(c) When a licensee prepares or there is prepared on behalf of a licensee an agreement authorizing or employing such licensee to purchase, sell, or exchange a yacht or ship, for compensation or commission, such licensee shall deliver a copy of the agreement to the person signing it. Receipt for such copy may be made on the face of the agreement.

77.8. (a) The department may upon its own motion and shall upon the verified written complaint of any person, investigate the actions of any broker or salesman, whether or not licensed.

(b) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

77.9. The department may suspend or revoke the license of a broker or salesman who has committed any of the following acts:

(a) Makes a substantial misrepresentation upon which any person has relied.

(b) Makes a false warranty of a character likely to influence, persuade, or induce any person with whom business is transacted under this article.

(c) Engages in a continued and flagrant course of misrepresentation or makes false warranties, whether or not relied upon by another person.

(d) Acts for the buyer and seller in a transaction without the knowledge and consent of both parties.

(e) Commingles the money or other property of his principal with that of his own.

(f) Does any of the acts or participates in any of the transactions defined in subdivision (a) of Section 76.1 with respect to any yacht or ship not numbered in accordance with the provisions of Chapter 5 (commencing with Section 650) of Division 3.

(g) Performs any act or participates in any transaction which belongs to or is connected with a class or activity other than the class for which he is licensed.

(h) Uses coercive or oppressive methods for the purpose of obtaining business or of procuring an exclusive listing; or participating in a transaction knowing that such means have been or will be used therein.

(i) Quotes prices higher than the gross listing prices.

(j) Engages in any other conduct constituting fraud or dishonest dealings, either with respect to his principal or other persons.

(k) Permits his name to be used for the purpose of assisting any person who is not a licensed yacht and ship broker or salesman to evade the provisions of this article.

(*l*) Violates any provision of Section 77.7.

78. The department may suspend or revoke the license of a broker or salesman who within three years immediately preceding has committed any of the following acts or against whom and within such period any of the following conditions exist:

(a) Procuring a license under this article for himself or another by fraud, misrepresentation, or deceit;

(b) Has been convicted of a felony and has withheld information of that fact from the department;

(c) Knowingly authorizes, directs, connives, or aids in the publication, advertisement, distribution, or circulation of any material false statement or misrepresentation concerning his business or any transaction under this article.

78.1. The department may suspend or revoke the license of a broker or salesman who procures a license under this article for himself or another by fraud, misrepresentation, or deceit. An action to suspend or revoke a license for a violation of the provisions of this section shall be commenced within three years after the discovery by the department of such violation.

78.2. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. The department may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

78.3. (a) During the month of December of each year, each person licensed under this article shall file with the department an application for renewal of his license and shall pay to the department the renewal fee required by this article, whereupon the department shall renew his license. Every license not renewed in accordance with this subdivision shall expire on January 1st of the year following the year for which it was issued or renewed and shall forthwith be returned to the department. Such license may thereafter be reinstated only upon the filing of an application therefor and in the payment of the renewal fee required by this article for the year in

which reinstatement is sought, together with a penalty fee equal to 75 percent of the renewal fee. No examination shall be required for the reinstatement of a license which has expired solely for nonpayment of the renewal fee as required by this subdivision.

(b) An application for reinstatement of a license which has expired pursuant to subdivision (a) shall be on the form provided by the department and shall be affirmed or sworn to before a notary public or other person authorized by law to administer oaths and affirmations or shall be executed under penalty of perjury. The department may refuse to grant reinstatement if the applicant, after the expiration of his license, has performed any act or participated in any transaction for which a license is required by this article or during such period has committed any offense or performed any act which would be cause for the suspension or revocation of a license under this article.

(c) All fees charged and collected under this article shall be paid by the department at least once a month, accompanied by a detailed statement into the State Treasury to the credit of the Yacht and Ship Brokers Fund.

All money paid into the State Treasury and credited to this fund is appropriated to carry out the provisions of this article and shall be paid in the manner provided by law.

The department may establish a revolving fund in such an amount as it may determine, subject to the approval of the director.

78.4. All license fees shall be paid in advance of issuing the license and the taking of examinations. The fee for the license shall be returned to the applicant if he fails to pass the examination.

78.5. A person who fails to renew his license within five years after its expiration may not renew it, and it shall not be restored, reissued, or reinstated thereafter, but such person may apply and obtain a new license if:

(a) He is of good moral character;

(b) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension;

(c) He takes and passes the examination, if any, which would be required of him if he were then applying for a license for the first time, or otherwise establishes to the satisfaction of the department that, with due regard for the public's interest, he is qualified to hold himself out as a yacht and ship broker; and

(d) He pays all of the fees that would be required of him if he were then applying for the license for the first time.

The department may, by regulation, provide for the waiver or refund of all or any part of the examination fee in those cases in which a license is issued without an examination pursuant to the provisions of this section.

78.6. (a) The amount of fees prescribed by this article is that fixed by the following schedule:

(1) For every original broker's license the fee is one hundred dollars ($100), but the department may reduce the fee to not less than fifty dollars ($50).

(2) For the annual renewal of an original broker's license, regardless of class, the fee is fifty dollars ($50), but the department may reduce the fee to not less than twenty-five dollars ($25).

(3) For every original salesman's license the fee is twenty-five dollars ($25) but the department may reduce the fee to not less than ten dollars ($10).

(4) For the annual renewal of an original salesman's license, regardless of class, the fee is twenty-five dollars ($25), but the department may reduce the fee to not less than ten dollars ($10).

(b) The department shall charge and collect the following fees:

(1) Five dollars ($5) for a salesman's temporary license.

(2) Ten dollars ($10) for every license obtained by a broker for a branch office and for every renewal thereof.

(3) Five dollars ($5) for changing the name or address of a broker on the records of the department.

(4) Five dollars ($5) for every transfer of a salesman's license for every change of employment.

(5) Five dollars ($5) for a duplicate license.

(6) Ten dollars ($10) for the substitution of a name in the license of a corporation or copartnership, and an examination fee of fifteen dollars ($15).

(7) Ten dollars ($10) for the granting of a certificate of convenience under Section 79.

78.7. (a) The department shall have the power to adopt rules and regulations classifying yacht and ship brokers or salesmen, on the following basis:

A license issued to a broker or salesman shall be limited to the class or classes for which the applicant has demonstrated his qualifications and fitness by his application and examination.

No salesman shall be licensed in any class other than that for which the employing broker is licensed.

A person shall be deemed qualified to be licensed as a broker if, as shown by the affidavits of two responsible persons, he has, or has the equivalent of:

(1) Held master papers for a period of one year or has owned and operated a shipyard, or ship repair facility, or a landing or mooring basin or has been a marine surveyor, or has been a foreman or superintendent of a shipyard for a period of one year, prior to making an application;

(2) Been licensed by this or another state for a period of one year;

(3) Been employed as a yacht or ship salesman for at least one year; or

(4) Been engaged in the steamship business for a period of one year, as owner or operator.

(b) The department shall issue licenses for yacht and ship brokers or salesmen, covering all phases of the business.

78.8. (a) The department shall ascertain by written examination that the applicant, and in the case of a copartnership or corporation, that each officer, agent or member, thereof, through whom it proposes to act as a licensee, has a general and fair understanding of the obligations between principal and agent, of the principles of yacht and ship brokerage practices, and the canons of business ethics pertaining thereto.

(b) The department shall select suitable and appropriate questions for the written examination for which the applicant has made application, in order to determine the applicant's knowledge of and experience in the appropriate subjects.

78.9. Temporary licenses may be issued to salesmen under the following conditions:

(a) Such licenses shall be issued for a period not to exceed 60 days, and only one license shall be issued to each applicant.

(b) An application shall be filed for a temporary license and for a permanent license, and at the same time the applicant shall pay the prescribed fee.

(c) The applicant shall state under oath his qualifications for the position of salesman, and shall show that he has not been guilty of any conduct and has not done any act that would constitute good cause for the suspension or revocation of a permanent license.

(d) On or before the expiration date of the temporary license, such licensee shall take a written examination for a permanent license of the class or classes which he selected and for which he is qualified. If without valid excuse he fails to appear for the examination at the time prescribed, the examination fee shall be forfeited.

79. The department may issue a certificate of convenience to the executor or administrator of the estate of a deceased agent or broker, or if no executor or administrator has been appointed, and until a certified copy of an order making such appointment is filed with the department, to the widow or other heir otherwise entitled to conduct the business of the deceased, permitting such person to act as a broker in the conduct of the business of the estate for a period of 45 days from and after the date of death pending, but not later than, disposal of the business, unless such person qualifies by examination for a permanent broker's license.

SEC. 2.5. Section 80.2 of the Harbors and Navigation Code is amended to read:

80.2. Except as otherwise provided in Section 80.4, the commission shall be composed of seven members appointed by the Governor, with the advice and consent of the Senate. At least two of the seven members shall be persons who hold a yacht and ship broker's license.

SEC. 2.7. Section 80.4 of the Harbors and Navigation Code is amended to read:

80.4. The members of the first commission shall be those persons who are members of the Small Craft Harbors Commission on the effective date of this section. Their terms shall expire in the same order as their terms on the Small Craft Harbors Commission: one member January 15, 1967; two members January 15, 1968; two members January 15, 1969; and two members January 15, 1970. Thereafter, appointments shall be for a four-year term. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

The two yacht and ship broker members of the board provided for at the 1968 Regular Session shall be appointed to the two vacancies occurring on January 15, 1969.

SEC. 3. Section 82 of the Harbors and Navigation Code is amended to read:

82. The commission shall establish general policies for the guidance of the department in the planning, acquisition, construction, development, improvement, maintenance and operation of small craft harbors under the jurisdiction of the department, the transfer of harbors to local agencies, and the making of loans to local agencies, pursuant to this division, the registration of vessels, the regulation of the operation and equipment of vessels by the department, and the regulation of the Yacht and Ship Brokers Act, Article 5 (commencing with Section 76) of Chapter 2 of this division, and for that purpose may adopt such rules and regulations as may be necessary to carry out the provisions of this division and the provisions of Article 5 (commencing with Section 76) of Chapter 2, of this division, and Chapter 4 (commencing with Section 600) and Chapter 5 (commencing with Section 650) of Division 3 of this code.

SEC. 4. The Yacht and Ship Brokers Commission is abolished. All facilities, including but not limited to funds, records, equipment, and personnel of the Yacht and Ship Brokers Commission are hereby transferred to the Department of Harbors and Watercraft.

SEC. 5. All rules and regulations adopted by the Yacht and Ship Brokers Commission which are in effect when this act takes effect shall remain in effect until the Department of Harbors and Watercraft incorporates them into its rules and regulations or adopts rules and regulations.

SEC. 6. Licensees licensed under the provisions of Chapter 16 (commencing with Section 8900) of Division 3 of the Business and Professions Code shall renew their licenses with the Department of Harbors and Watercraft when their present licenses expire.

CHAPTER 1460

An act to amend Sections 7100 and 12803 of, and to add Section 11554.9 to, the Government Code, to add Section 3097 to the Labor Code, and to amend Sections 301 and 313 of, and to add Sections 301.5, 304, 327, and 328 to, and to add Division 3 (commencing with Section 9000) to, the Unemployment Insurance Code, and to amend Sections 18300, 18303, and 18305 of the Welfare and Institutions Code, relating to job training and placement, and making an appropriation therefor.

[Approved by Governor August 24, 1968 Filed with Secretary of State August 26, 1968.]

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

SECTION 1. Section 7100 of the Government Code is amended to read:

7100. In implementation of Section 311 of Public Law 88-452, known as the Economic Opportunity Act of 1964, the Director of the Department of Human Resources Development may contract with school districts, housing authorities, health agencies, and other appropriate local public and private nonprofit agencies for the procurement, or construction of housing or shelter and to obtain services for migratory agricultural workers in the fields of education and sanitation, and to obtain day care services for the children of such workers.

SEC. 2. Section 301 of the Unemployment Insurance Code is amended to read:

301. There is in the Human Relations Agency the Department of Human Resources Development which succeeds to and is vested with the duties, purposes, responsibilities, and jurisdiction heretofore exercised by the Department of Employment. The provisions of this division shall be administered by an executive officer known as the Director of the Department of Human Resources Development who succeeds to and is vested with the duties, purposes, responsibilities, and jurisdiction heretofore exercised by the Director of Employment.

Whenever the term "department" or "Department of Employment" occurs, it shall mean the Department of Human Resources Development and whenever the term "director" or "Director of Employment" occurs, it shall mean the Director of the Department of Human Resources Development.

SEC. 3. Section 301.5 is added to the Unemployment Insurance Code, to read:

301.5. The department succeeds to and has all the duties, powers, purposes, responsibilities and jurisdiction vested in the State Office of Economic Opportunity established in the Governor's office by executive order in September 1964, in the State Service Center Program authorized by the 1966 Second Extraordinary Session of the Legislature and established in the Governor's office by Executive Order 66-11, July 1966, in

the Human Relations Agency with respect to the California Commission on Aging under the provisions of Chapter 5 (commencing with Section 18300) of Part 6 of Division 9 of the Welfare and Institutions Code, and under the provisions of Section 7100 of the Government Code.

SEC. 4. Section 304 is added to the Unemployment Insurance Code, to read:

304. Whenever a reference to this division is made in this article it shall also include Division 3 (commencing with Section 9000).

SEC. 5. Section 313 of the Unemployment Insurance Code is amended to read:

313. The work and functions of the department shall be segregated and allotted according to their nature into divisions. One division shall be designated the Appeals Division, one shall be designated the Division of Public Employment Offices and Benefit Payments, one shall be designated the Division of Job Training and Development, and one shall be designated the Division of Accounts and Tax Collections. There shall be such other divisions as the director may determine that the exigencies and nature of the work of the department require. Notwithstanding any other provision of this section, the director, with the approval of the Secretary of the Human Relations Agency, shall have the power, except for the Division of Job Training and Development, to reorganize functions created within any of the divisions referred to in this section or to reorganize in any other manner such divisions or to abolish any such divisions in such manner as is necessary to effectuate the purposes of this division and Division 3 (commencing with Section 9000) of this code.

SEC. 6. Section 327 is added to the Unemployment Insurance Code, to read:

327. The director shall advise the Governor of his responsibilities under United States Public Law 88-452, known as the Economic Opportunity Act of 1964.

SEC. 7. Section 328 is added to the Unemployment Insurance Code, to read:

328. The department shall:

(a) Conduct and administer the California Migrant Master Plan.

(b) Provide technical assistance to local agencies which operate community action programs of an antipoverty nature.

(c) Coordinate antipoverty efforts throughout the state, to the extent permissible under federal law, to avoid duplication, improve delivery of services, and relate programs to one another.

(d) Maintain liaison with the Federal Office of Economic Opportunity, county and city commissions on economic opportunity, citizens' groups and all other governmental agencies engaged in economic opportunity programs.

(e) Collect and assemble pertinent information and data available from other agencies of the state and federal govern-

ments and disseminate information in the interest of economic opportunity programs in the state by publication, advertisement, conference, workshops, programs, lectures, and other means.

(f) Plan and evaluate long-range and short-range strategies for overcoming poverty in the state.

(g) Mobilize public and private resources in support of antipoverty programs.

(h) Encourage participation by residents of poor communities in the development and operation of community action programs for their betterment.

(i) To the extent feasible, utilize the community action agency in the community to be served in the recruitment of personnel for the Division of Job Training and Development.

(j) Utilize and employ, to the fullest extent possible, consistent with efficient administration, persons from the economically disadvantaged areas in carrying out the provisions of Division 3 of this code.

SEC. 8. Section 11554.9 is added to the Government Code, to read:

11554.9. An annual salary of twenty-four thousand five hundred dollars ($24,500) shall be paid to the Director of Human Resources Development.

SEC. 9. Section 12803 of the Government Code is amended to read:

12803. The Human Relations Agency consists of the Office of Atomic Energy Development and Radiation Protection and the following departments: Social Welfare; Mental Hygiene; Rehabilitation; Public Health; Human Resources Development; and Industrial Relations.

SEC. 10. Section 3097 is added to the Labor Code, to read:

3097. The Department of Industrial Relations, Division of Apprenticeship Standards, shall provide services to the Department of Human Resources Development, as requested by and contracted for, with that department. Such federal funds as are available to the Department of Industrial Relations, Division of Apprenticeship Standards, for the purpose of developing and maintaining apprenticeship and on-the-job training programs for eligible persons described in Section 10500 of the Unemployment Insurance Code, shall be directed to the support of the Department of Human Resources Development clients.

The Division of Apprenticeship Standards shall continue in the Department of Industrial Relations but shall exert maximum effort to persuade sponsors of its registered, nonfederally funded, voluntary apprenticeship and on-the-job training programs to accept to the maximum possible extent the eligible persons as described in Section 10500 of the Unemployment Insurance Code.

The Department of Human Resources Development may request, within the limitations of the funds available to it for this purpose, assignment of at least one Division of Apprenticeship Standards consultant to each area designated by the

Director of the Department of Human Resources Development. Such apprenticeship consultant services, when funded and requested, shall be provided to the area offices of the Department of Human Resources Development.

SEC. 11. Division 3 (commencing with Section 9000) is added to the Unemployment Insurance Code, to read:

DIVISION 3. HUMAN RESOURCES DEVELOPMENT

PART 1. HUMAN RESOURCES DEVELOPMENT ACT OF 1968

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

Article 1. General Provisions

9000. This part shall be known and may be cited as the Human Resources Development Act of 1968.

9001. The Legislature hereby finds and declares that it is essential to the health and welfare of the people of this state that action be taken by the state and federal governments to effectively and economically utilize federal and state funds for job training and placement services. To achieve this, it is necessary that:

(a) Explicit priorities be established for the allocation of these funds to ensure that they are first used to assist those in greatest need for job training and placement services;

(b) Definitive goals be established for the total system of job training and placement services to maximize the effectiveness of the system in assisting individuals to find and maintain gainful, competitive employment;

(c) Efforts be made to enlist the full support of private industry in securing jobs for enrollees of training programs, and a closer, more integrated and coordinated effort be established with the federal government as well as state and local public and private agencies involved in performing job training and placement services; and

(d) New approaches involving improved services and changes in traditional organization structures be used to assist persons in economically disadvantaged areas.

It is hereby declared to be the intent of the Legislature to concentrate and account for the funds available for job training and placement services in one state fund administered by a state agency whose functions shall be subject to periodic review by the Legislature and appropriate federal agencies, and to which is assigned the responsibility for the efficient administration of job training and placement services in this state and the allocation of these funds to the end that such funds will be more effectively utilized and will be directed primarily to those areas of the state with the largest concentrations of chronically unemployed persons.

It is the further intent of the Legislature (a) to maintain policy control over all job training and placement programs

administered pursuant to this part to the maximum extent feasible, consistent with effective program operations, (b) to organize existing job training and placement programs now operating in the state into a coordinated system designed to remove employable persons from public dependency, and to enlist the full support of private industry in securing jobs for enrollees, (c) to use funds for job training and placement services in a flexible manner to provide needed services for individuals through contractual arrangements with public and private agencies, (d) to provide a unified system for timely delivery of improved job training placement and related services to eligible persons including individual case responsibility, an outreach effort to seek out those persons who need but do not apply for services, followup to insure that the needs of eligible persons and their families are met, dissemination of information and knowledge to residents of the economically disadvantaged area about available services, and location of services in areas readily accessible to those who need them, and (e) to involve members of each community in identifying the needs to be met and relating them to the services available in order to reduce the isolation of the disadvantaged from their government and the community as a whole and to improve their confidence in government at all levels.

9002. Subject to the provisions of Sections 9600 and 9605, the Secretary of the Human Relations Agency shall coordinate all job training placement, and related programs, conducted by state agencies, with the federal government and ensure that there is no duplication of such programs among state agencies and that all agreements, contracts, plans or programs conform to the provisions of this part. Any plan proposed to be submitted by any such agency to the federal government in relation to a job training, placement, or related program, shall first be submitted to the Secretary of the Human Relations Agency for his review. The Human Relations Agency may require state departments to contract with it for services to carry out the provisions of this part.

Article 2. Definitions

9100. Unless the context otherwise requires, the definitions in this article govern the construction of this part.

9101. "Department" means the Department of Human Resources Development.

9102. "Director" means the Director of the Department of Human Resources Development.

9103. "Division" means Division of Job Training and Development.

9104. "Chief of the division" means Chief of the Division of Job Training and Development.

9105. "State agency" means those agencies enumerated in Section 11000 of the Government Code.

9106. "Board" means the Job Training and Development Services Advisory Board.

9107. "Job training and placement services" or "job training and placement programs" means any job training, placement, or related services administered or supervised by the division or provided under contract with the department, directly calculated to increase employability or improve the employment of the individual.

9108. "Unemployed person" means a person who lacks a bona fide employment, suffers economic deprivation because of lack of employment, and is employable or capable of being made employable through the services available under this part.

9109. "Underemployed person" means a person who has a bona fide employment but whose employment, be it full time, or part time, or intermittent, is insufficient to provide an income adequate to avoid economic deprivation.

9110. "Economic deprivation" means annual income insufficient to enable the family or individual to meet the following standard, as determined by the director:

Cost of the Low Cost Food Plan of the United States Department of Agriculture for the Western Region of the United States, as set forth by such department, adjusted for family size, multiplied by three.

9111. "Economically disadvantaged area" means an area composed of contiguous census tracts within urbanized areas, as defined by the 1960 census, wherein 20 percent of the families report annual income less than three thousand dollars ($3,000) according to the 1960 census, or comparable areas which because of technical factors cannot be isolated by census tracts or be isolated as a "contiguous" census tract. Such areas shall have a population of not less than 25,000. The definition set forth in this section and Section 9110 shall be reviewed periodically, and the director shall recommend necessary changes to the Legislature and the Governor.

9112. "Eligible person" means an unemployed person or underemployed person who meets the qualifications set forth in Section 10500.

9113. "Fund" means the Manpower Development Fund.

CHAPTER 2. DIVISION OF JOB TRAINING AND DEVELOPMENT

Article 1. Administration

9500. There is in the Department of Human Resources Development the Division of Job Training and Development which shall administer all job training and placement programs and services for eligible persons as defined in this part.

9501. The division shall be administered by the director through the chief of the division, who shall be a deputy director of the department. The chief of the division shall be ap-

pointed by the Governor, subject to the approval of the Senate, and shall hold office at the pleasure of the Governor. Two additional deputy directors shall be appointed by the Governor and shall hold office at the pleasure of the Governor.

9502. For purposes of administration, the director may establish such offices as are appropriate for the administration of this part. Offices administering programs under this part shall be established to the fullest extent possible in economically disadvantaged areas.

Article 2. Powers and Duties

9600. (a) The department shall represent the state in dealing with the federal government regarding the kinds and quality of job training, placement and related programs contained in the statewide plan described in subdivision (b), which are administered by or in the State of California pursuant to this part.

(b) The department shall develop a statewide plan and area plans to coordinate all programs pursuant to this part and shall present such plans annually to the Legislature. Such plans shall include, but not be limited to, the review required in Section 9604.

(c) The chief of the division is hereby designated as the Chairman of the Cooperative Area Manpower Planning System. The department shall utilize the Cooperative Area Manpower Planning System in developing its statewide and area plans. All state and local participants in the system shall cooperate to provide the information required for the statewide and area plans and in the implementation of those plans. All state and local participants shall give notice to the department of any proposed change in the plan or plans.

9601. The department may enter into any contractual agreements with public agencies, community action agencies, private organizations and individuals which are necessary to carry out the purposes of this part. Priority in contracts for services to carry out the provisions of this part shall be given to community action agencies, if the director determines that the agency can effectively provide such services.

9602. The director shall designate economically disadvantaged areas. These areas shall be priority areas for services provided under this part. To the fullest extent possible, offices shall be established within the boundaries of the disadvantaged areas designated by the director.

9603. The director shall employ necessary personnel including a staff of job agents, who shall be supervised by the chief of the division, sufficient to provide direct services to all persons enrolled in the job training and placement program in each economically disadvantaged area. Consistent with the requirements of civil service, the director shall give priority to the selection of job agents in accordance with Section 9605.

9604. The department shall establish and provide to the chief of the division an administrative information and evaluation review which shall provide complete files on all persons served under this part including, but not limited to, the following information:

(a) The number and characteristics of persons served;

(b) The services received by all persons served;

(c) The amount of funds expended on each person;

(d) The results of services in each case;

(e) Performance records of each job agent employed in each office, consisting of information on the number of training and employment plans successfully completed by the job agent each year;

(f) The availability of jobs for eligible persons served by each office;

(g) Information about the kinds and qualities of jobs created under provisions of this part, including salaries and wages paid;

(h) Information on the number of trainees in the program and the number of jobs estimated to be available in the area served by each office;

(i) An evaluation of the performance of job training and placement programs under contract with the department;

(j) A yearly analysis of the characteristics of the unemployed and underemployed persons in each economically disadvantaged area. The department shall utilize United States Bureau of Labor Statistics special surveys of subemployment in urban centers whenever available.

The department shall, to the extent feasible, utilize information compiled by other departments within the Human Relations Agency.

9605. The department shall:

(a) Be the sole state agency to approve and coordinate publicly funded job training and placement programs for eligible persons with private employers. The department shall approve programs administered by the division only if consistent with the plans developed under Section 9600 and other provisions of this part;

(b) Appoint an advisory committee of representatives of employers and employer organizations to enlist the advice and support of private industry in developing a statewide system for making jobs available to job trainees following successful completion of job training and placement programs;

(c) Develop controls to insure that job training and placement programs of the division meet existing labor market needs as viewed by employers. The department shall study training and personnel selection methods used successfully by private industry;

(d) Encourage placement of the eligible persons in public employment with the assistance of an advisory group representing state and local officials and representatives of economically disadvantaged areas appointed by the department;

(e) Evaluate the need for specific new public employment opportunities;

(f) Determine the kinds and quality of job training and placement programs necessary to provide placement in public employment for eligible persons and develop means to realign job tasks to develop greater employment opportunities for eligible persons;

(g) Cooperate with the State Personnel Board and local personnel officials to eliminate unnecessary barriers to the placement of eligible persons in public employment and to carry out the purposes of this part.

The State Personnel Board and other state and local agencies shall cooperate to the maximum extent feasible to achieve the purposes of this part.

9606. The director may enter into contracts for public and private job training and placement programs as may be required, and shall maintain quarterly projections of manpower needs in the public and private sector in each area.

9607. The division shall include the functions of the department pursuant to the Federal Manpower Development and Training Act.

9608. Such personnel, as determined by the director, transferred to the department under this part may function, in whole or in part, as job agents.

9609. The employees of the department shall be subject to the State Civil Service Act, except for exempt appointees. Members of the California Commission on Aging and officers and employees of the State Office of Economic Opportunity shall continue to be appointed by the Governor.

Article 3. Job Agents

9700. Job agents shall be selected for their ability to understand and work with persons to be served in the program pursuant to Section 9703, their educational background and other factors, including, but not limited to, military experience, related work experience and vocational training.

9701. The State Personnel Board shall prepare special examinations for job agents in accordance with criteria established pursuant to Section 9700. The director shall cooperate in the development of such examinations and shall utilize the probationary period to insure that these selection criteria are maintained. At such times as job performance standards have been developed and performance measurement is feasible, the director shall recommend to the State Personnel Board the establishment of a form of compensation for job agents pursuant to the provisions of Section 18852 of the Government Code. Such form of compensation shall be based primarily on the job agent's achievement in obtaining successful completion of training and employment goals by eligible persons.

9702. The chief of the division shall conduct training programs for job agents and shall provide job agents with any information necessary to carry out the provisions of this part. Such programs shall be developed in consultation with the board.

9703. The job agent shall provide each eligible person with such job training, placement and related services necessary to his employability on an individualized basis by means of the following:

(a) The development of a training and employment plan for each individual served;

(b) Procuring from public and private agencies and individuals the training and related services required by each individual eligible person;

(c) A continuing review and evaluation of each individual's progress up to and including placement and retention in employment for at least 18 months;

(d) A postemployment followup at intervals to be determined by the chief of the division;

(e) Assistance in overcoming obstacles which threaten to deter the progress of the eligible person through the various programs.

9704. The training and employment plan for each eligible person assigned to a job agent shall be considered successfully completed when the goal specified in the eligible person's plan has been achieved or after 18 months of continuous employment. The goal in each plan shall be related to the employment potential of the eligible person served.

CHAPTER 3. JOB TRAINING AND DEVELOPMENT SERVICES ADVISORY BOARD

Article 1. Organization

10000. There is hereby created in the Department of Human Resources Development the Job Training and Development Services Advisory Board.

10001. The board shall consist of the following members:

(a) Eleven members appointed by the Governor with the advice and consent of the Senate. One member shall be a public member, one member shall be from the field of labor, one member shall be from the field of higher education, one member shall be from the business community, one member shall be from the agricultural community, one member from the field of apprenticeship training, one member from the field of public vocational education, one member from the field of private vocational education, and three members shall be persons residing in economically disadvantaged areas and who have demonstrated leadership in providing for the needs and interests of the economically deprived.

(b) Four members appointed by the Legislature. One member shall be a public member, one member shall be from the field of labor, one member shall be from the field of higher

education, and one member shall be from the business community, two to be appointed by the Speaker of the Assembly and two by the Senate Rules Committee.

(c) The Committee on Rules of the Senate shall appoint one Member of the Senate and the Speaker of the Assembly shall appoint one Member of the Assembly. The Member of the Senate and the Member of the Assembly so appointed shall meet with the board and participate in its activities to the extent that such participation is not incompatible with their positions as Members of the Legislature. For the purposes of this part, the Members of the Legislature shall constitute a joint interim legislative committee on the subject of this part and as such shall have the powers and duties imposed upon such a committee by the Joint Rules of the Senate and Assembly.

(d) One member appointed by the State Board of Education.

(e) The chief of the division shall serve as a member of the board.

10002. The appointive members of the board shall serve at the pleasure of their respective appointing powers.

10003. The members of the board shall serve without compensation, except that each member shall be paid a per diem allowance of twenty-five dollars ($25) for each day's attendance at a meeting of the board, not to exceed six days in any month. The members of the board shall also receive their actual and necessary traveling expenses incurred in the course of their duties.

10004. The Governor shall select the board's chairman from among its nonlegislative members.

Article 2. Powers of the Board

10100. The members of the board shall meet at least six times annually at times determined by resolution of the board, except that special meetings may be called by the chairman.

10101. Ten members of the board shall constitute a quorum for the performance of any duty or exercise of any power of the board.

10102. All meetings of the board shall be open and public.

10103. The board shall:

(a) Study the statewide problems of job training and placement and submit annual reports to the director, the Governor and the Legislature, with suggestions and recommendations for administrative, executive, and legislative action.

(b) Advise the director on all matters referred by him to the board for recommendation.

(c) Review progress reports on the program, which shall be presented to the Governor at least once every four months.

CHAPTER 4. PROGRAMS

Article 1. Eligibility

10500. Money appropriated from the Manpower Development Fund shall be allocated as follows:

(a) Job training and placement funds and services allocable from state and federal sources pursuant to the provisions of Title IV of the Social Security Act relating to work incentive programs (Public Law 90-248) shall be allocated for public assistance recipients and potential public assistance recipients in a manner consistent with the provisions of that act.

(b) To the extent permissible under federal law, the department shall, in conjunction with and approval of the board, prepare and periodically review a plan which will allocate at least 75 percent of the remaining job training and placement funds and services to serve eligible persons in economically disadvantaged areas in such a way as to prevent discrimination by serving persons whose minority group characteristics coincide to the fullest extent possible with the minority group characteristics of the unemployed and underemployed in each economically disadvantaged area.

Money in the Manpower Development Fund shall be allocated according to the following priorities:

(1) Unemployed heads of households;

(2) Underemployed heads of households;

(3) Other unemployed and underemployed persons.

(c) Remaining job training and placement funds and services shall be used to serve other persons.

(d) Veterans shall be accorded priority pursuant to federal law.

CHAPTER 5. FISCAL PROVISIONS

Article 1. Manpower Development Fund

11000. There is in the State Treasury a Manpower Development Fund.

11001. Except as provided in Section 11004, all federal funds heretofore or hereafter paid or granted to the state or any state agency pursuant to any agreement, contract, plan or program authorized under any federal law enumerated in Sections 11002, 11005 and 11006 and all state funds enumerated in Section 11003 shall be deposited in the fund.

11002. Except as provided in Section 11004, funds paid or granted to the state or any state agency or shared with the state or any state agency pursuant to any agreement, contract, plan or program authorized under the following federal laws shall be deposited in the fund:

(a) Manpower Development and Training Act of 1962, as amended (P.L. 87-415, 87-729, 88-214, 89-15, 89-792, 89-794), except those funds contracted by the United States Department of Labor for the purpose of developing and maintaining

apprenticeship and other on-the-job training programs for persons eligible under that act.

(b) Work incentive programs under Public Law 90-248.

(c) Any other funds made available under federal law for the purposes of this part.

Funds made available by the federal government under any of the acts described in this section for migrant workers shall be used to provide services for such persons.

11003. Notwithstanding any other provision of law and except as provided in Section 11004, funds appropriated under the following state laws or for the following purposes shall be deposited in the fund:

(a) Adult basic education benefits under Section 18601 of the Education Code;

(b) Funds appropriated for the support of state service centers;

(c) Any other funds made available under state law for the purposes of this part.

11004. Any funds enumerated in Sections 11002 and 11003 which the director determines are necessary to provide job training or placement services for individuals enrolled prior to the effective date of this part under any agreement, contract, plan or program in effect prior to such date shall not be deposited in the fund.

11005. Funds for job training and placement programs administered by the Federal Office of Economic Opportunity and made available to the state or any state agency shall be deposited in the fund in accordance with Sections 115, 213, 231, 241, and 635 of the Federal Economic Opportunity Act of 1967.

11006. Funds for job training and placement programs made available to the state or any state agency under the provisions of the Vocational Rehabilitation Act as amended by the enactment of the House of Representatives Bill No. 16819 of the 90th Congress shall be deposited in the fund.

11007. The director shall make every effort to secure to the fullest extent possible federal funds available for participation under this part and shall provide that effective and comprehensive placement and manpower information services are made available to eligible persons, both youth and adults, who are served by the division, using funds available to the department under Title IX of the Social Security Act, in accordance with a plan of service developed by the division and approved by the director and the United States Department of Labor as required by federal law and regulations. .

11008. The Secretary of the Human Relations Agency, in the same manner and subject to the same conditions as other state agencies, shall submit a program budget annually to the Department of Finance, including not only expenditures proposed to be made under this part, but also expenditures proposed to be made under any related program or by any other state agency, designed to provide services incidental to the

job training and placement functions to which this part relates. The Human Relations Agency may require state departments to contract with it for services to carry out the provisions of this part.

Notwithstanding any other provision of law, authorized services to eligible persons, as defined in this part, provided by all state agencies, including, but not limited to, the Departments of Education, Industrial Relations, Rehabilitation and Social Welfare shall, to the fullest extent permitted by federal law, by contract or otherwise, be made available upon request of the director, and the approval of the Secretary of the Human Relations Agency, to the department for services to eligible persons.

To the extent feasible, the department shall utilize service centers authorized by the 1966 Second Extraordinary Session of the Legislature and established in the Governor's office by Executive Order 66-11 July 1966, to carry out the purposes of this act.

11009. All money in the Manpower Development Fund is hereby continuously appropriated for the purposes of this part, as follows:

(1) To the department; and

(2) For the purposes of Section 11006 of the Government Code, to the Human Relations Agency and the several agencies contained therein, and to the Department of Education.

11010. For accounting and recordkeeping purposes, the Manpower Development Fund shall be deemed to be a single special fund. Separate accounts shall be maintained within the fund for each source of funds received.

SEC. 12. Section 18300 of the Welfare and Institutions Code is amended to read:

18300. There is in the Department of Human Resources Development. to advise the Governor on the needs and problems of the senior citizens of California, the California Commission on Aging. The commission shall be composed of eight persons appointed by the Governor, subject to confirmation by the Senate, and selected on the basis of their demonstrated interest in the health, welfare, and happiness and the maintaining of adequate living standards for senior citizens in this state. The commission shall be advisory in character and shall not be delegated any administrative authority or responsibility beyond what is stated in this chapter. The Governor shall designate the chairman and vice chairman of the commission and commission members shall serve at the pleasure of the Governor. Commission members shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this chapter.

SEC. 13. Section 18303 of the Welfare and Institutions Code is amended to read:

18303. The commission shall prepare and render annually a written report of its activities and its recommendations to

the Governor, through the Director of the Department of Human Resources Development, for improvements and additions to the existing efforts of state government on behalf of the senior citizens of California and to the ways the State of California could encourage and promote programs and services by local communities on behalf of their senior citizens.

SEC. 14. Section 18305 of the Welfare and Institutions Code is amended to read:

18305. The commission, with the approval of the Department of Human Resources Development, may be designated as the state agency for supervision of all programs of the federal government relating to the aging which are not the specific responsibility of another state department under the provisions of federal law or which have not been specifically entrusted to another state department by the Legislature.

SEC. 15. Except as otherwise provided in this section, this act shall become operative at such time as is recommended by the Director of the Department of Human Resources Development, and approved by the Secretary of the Human Relations Agency and the Department of Finance, but not later than January 1, 1970. On the effective date of the transfer of a function, the funds incident to such function shall be transferred to the department.

The appointment of the Director of the Department of Human Resources Development may be made on or after the effective date of this act and he shall assume such administrative functions and be vested with such powers provided for in this act as are necessary to carry out the provisions of this section. The director, immediately after his appointment, shall appoint such assistants as are necessary to plan and provide for the orderly assumption of those functions transferred to the department.

The director shall recommend that the act become operative when he has made all arrangements necessary to assure the effectuation of the transfer of programs and funds under the act in an orderly manner and with no disruption of functions and upon determining that sufficient funds and personnel for proper administration are available for implementation of the act.

SEC. 16. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 17. There shall be transferred to the Department of Human Resources Development all persons employed in any agency in exercising the powers of such agency which are transferred to the department by this act. Any person in the state civil service so transferred shall retain his respective position and status subject to the State Civil Service Act and other applicable provisions of law.

SEC. 18. Upon receipt of a formal ruling from the Secretary of Labor, or the Secretary of Health, Education, and Welfare or the head of any federal agency that any provision of this act cannot be given effect without causing the state's plan to be out of conformity with federal requirements or would result in decertification of provisions of the California Unemployment Insurance Code, and notification of intention to withdraw federal funds from the state, such provision shall become inoperative to the extent that it is not in conformity with federal requirements. The inoperative period of such provision shall not exceed 15 months from the date of the receipt of the formal ruling. The Director of the Human Resources Development Department, within the scope and consistent with the remaining provisions of this act shall, by rule and regulation, take the minimum action necessary to carry out the purposes of the remaining provisions of this act in conformity with federal requirements and to assure a continuation of such federal funds. The director shall adopt such rules and regulations only after holding a public hearing at which time federal officials shall be requested to document specific conformity, decertification or withdrawal of funds issues upon which the formal ruling or notification of the secretary or other federal official was based.

The director shall file with the Governor, the Secretary of State, the Secretary of the Senate and the Chief Clerk of the Assembly a statement of findings and conclusions developed at the hearing accompanied by a statement of his rules and regulations.

Unless otherwise provided by law, such rules and regulations made pursuant to the provisions of this section, shall be effective for a period not to exceed 15 months from the date of such rules and regulations.

SEC. 19. Upon the receipt of notice from the Secretary of Labor that any provision of this act cannot be given effect without violating a provision or provisions of any contract with the Secretary of Labor, that provision shall become inoperative until January 1, 1970, to the extent it violates a provision or provisions of any contract with the Secretary of Labor.

SEC. 20. The Manpower Development Fund created by this act is the same fund as that fund in Assembly Bill No. 210 of the 1968 Regular Session.

SEC. 21. In the event of any conflict between the provisions of this act and the provisions of the Governor's plan for the reorganization of the executive branch of California state government submitted to the 1968 Regular Session of the Legislature, the provisions of this act shall control.

SEC. 22. This act shall not take effect unless Assembly Bill No. 109 is also enacted by the Legislature at its 1968 Regular Session.

CHAPTER 1461

An act relating to state beaches and parks, and making an appropriation therefor.

[Approved by Governor August 24, 1968. Filed with Secretary of State August 26, 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 Parks and Recreation the sum of one hundred forty-six thousand one hundred dollars ($146,100), or so much thereof as may be necessary, to construct a groin at Capitola State Park.

SEC. 2. It is the intent of the Legislature that the funds appropriated for the construction of the groin at Capitola State Park shall be credited toward the state share of the costs required by the federal government in connection with a federal groin project which incorporates the Capitola State Park groin project.

No funds shall be expended by the department pursuant to this act until a local agency furnishes assurances satisfactory to the department that it will provide all local cooperation which is required by authorizing federal legislation, will hold and save the state free from damages for all time due to the construction, operation and maintenance of the project, and will maintain and operate the project during its useful life, as may be required to serve its intended purpose, subject to such regulations as may be prescribed therefor by the department.

CHAPTER 1462

An act to amend Section 24348 of, and to add Section 26082 to, the Revenue and Taxation Code, relating to bank and corporation taxes, to take effect immediately, tax levy.

[Approved by Governor August 24, 1968. Filed with Secretary of State August 26, 1968.]

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

SECTION 1. Section 24348 of the Revenue and Taxation Code is amended to read:

24348. (a) There shall be allowed as a deduction debts which become worthless within the income year; or, in the discretion of the Franchise Tax Board, a reasonable addition to a reserve for bad debts. When satisfied that a debt is recoverable in part only the Franchise Tax Board may allow such debt, in an amount not in excess of the part charged off within the income year, as a deduction; provided, however, that if a debt was actually worthless prior to January 1, 1943,

but was not ascertained to be worthless and charged off prior to said date, a deduction may be taken therefor during the first income year ending after December 31, 1942; and, provided, that if a portion of a debt is claimed and allowed as a deduction in any year no deduction shall be allowed in any subsequent year for any portion of the debt which in any prior year was charged off, regardless of whether claimed as a deduction in such prior year.

(b) (1) In the case of a taxpayer who is a dealer in property, in lieu of any deduction under subdivision (a), there shall be allowed (in the discretion of the Franchise Tax Board) for any income year beginning on and after January 1, 1967, a deduction—

(A) For a reasonable addition to a reserve for bad debts which may arise out of its liability as a guarantor, endorser, or indemnitor of debt obligations arising out of the sale by it of real property or tangible personal property (including related services) in the ordinary course of its trade or business; and

(B) For the amount of any reduction in the suspense account required by paragraph (4)(B)(i).

(2) Except as provided in paragraph (1), no deduction shall be allowed to a taxpayer for any addition to a reserve for bad debts which may arise out of its liability as guarantor, endorser, or indemnitor of debt obligations.

(3) The opening balance of a reserve described in paragraph (1)(A) for the first income year beginning on and after January 1, 1967, for which a taxpayer maintains such reserve shall, under regulations prescribed by the Franchise Tax Board, be determined as if the taxpayer had maintained such reserve for the preceding income years.

(4) (A) Except as provided by subparagraph (C), each taxpayer who maintains a reserve described in paragraph (1)(A) shall, for purposes of this subdivision and Section 24274, establish and maintain a suspense account. The initial balance of such account shall be equal to the opening balance described in paragraph (3).

(B) At the close of each income year the suspense account shall be—

(i) Reduced by the excess of the suspense account at the beginning of the year over the reserve described in paragraph (1)(A) (after making the addition for such year provided in such paragraph), or

(ii) Increased (but not to an amount greater than the initial balance of the suspense account) by the excess of the reserve described in paragraph (1)(A) (after making the addition for such year provided in such paragraph) over the suspense account at the beginning of such year.

(C) Subparagraphs (A) and (B) shall not apply in the case of the taxpayer who maintained for its last income year beginning before January 1, 1967, a reserve for bad debts

under subdivision (a) which included debt obligations described in paragraph (1)(A).

(5) If the taxpayer establishes a reserve under subdivision (b)(1) of this section for an income year beginning on and after January 1, 1967, and ending before December 1, 1968, the establishment of such reserve shall not be considered as a change in method of accounting for purposes of Section 24651(e).

(c) At the election of the taxpayer, with respect to loans described in this subdivision, instead of any deduction under subdivision (a), there shall be allowed a deduction by savings and loan associations, banks, and other financial institutions of an amount equal to the greater of 2 percent of the end of the year balances, or an amount sufficient to maintain the reserve thus established at 2 percent of loans made on the security of residential properties owned and occupied by low- and moderate-income families. The reserve for bad debts thus established cannot exceed at the end of any income year 10 percent of such loans. Losses resulting from such loans will be charged to the reserve created pursuant to this subdivision. In the event that taxpayers subject to this subdivision sell, transfer, or otherwise dispose of such loans, or such loans are reduced by amortization or other means, the related reserve, to the extent that it then exceeds 10 percent of such loans then remaining, must be restored to gross income in the income year that such excess occurs.

The deduction allowed under this subdivision shall only be authorized as to loans which meet the following conditions:

(1) The loans shall be made to low- and moderate-income families to finance the purchase, acquisition or improvement by such families of single-family residential structures or single-family residential units within the condominium, community apartment, or cluster-type residential project.

(2) The loans shall not be insured or guaranteed by the State of California or the federal government or any agency thereof.

For the purposes of this subdivision and Section 26082, low- and moderate-income families are families who lack income that would enable them without financial assistance to live in decent, safe, and sanitary dwellings without overcrowding. Income eligibility limits for such families shall be established annually by the Department of Housing and Community Development using as a basis for its computations the per capita income figures for the State of California furnished in the most recent annual survey prepared by the United States Department of Commerce. The maximum income limits shall not exceed the average per capita income thus obtained for one-member families nor shall it exceed such per capita income multiplied by two for two-member families. For families with more than two members, such maximum limits shall be obtained by adding a sum not exceeding 20 percent of the per capita income for each additional family member. In no case

shall the maximum family income so determined exceed the average family income for the State of California established by the Department of Housing and Community Development.

The deduction allowable under this subdivision shall not apply with respect to loans made on or before December 31, 1968, and shall only apply to income years beginning on and after January 1, 1969.

SEC. 2. Section 26082 is added to the Revenue and Taxation Code, to read:

26082. (a) There shall be allowed as a credit against the tax payable by savings and loan associations, banks, and other financial institutions an amount equal to 1 percent of loans made during each taxable year to low- and moderate-income families (as defined in subdivision (c) of Section 24348) in this state.

(b) The credit allowed under subdivision (a) shall only be authorized as to loans which meet the following conditions:

(1) The loans shall be made to low- and moderate-income families as defined in subdivision (c) of Section 24348 to finance the purchase, acquisition or improvement by such families of single-family residential structures or single-family residential units within the condominium, community apartment, or cluster-type residential project.

(2) The loans shall not be insured or guaranteed by the State of California or the federal government or any agency thereof.

(c) The credit allowed under subdivision (a) shall be limited as follows:

(1) The maximum allowable credit shall be limited to 25 percent of the tax computed, without regard to the credit.

(2) No credit shall be allowed upon a transfer, modification or refinancing of a loan upon which a credit has been, or may have been, allowed pursuant to the provisions of this section.

(d) The credits allowable under this section shall not apply with respect to loans made on or before December 31, 1968, and shall only apply to income years beginning on and after January 1, 1969.

SEC. 3. On or before November 1, 1969, the Savings and Loan Commissioner shall make a written report to the Legislative Analyst on the effect of this act, and the Legislative Analyst shall submit this report, together with his comments and recommendations, to the Legislature by not later than the 30th calendar day of the 1970 Regular Session.

SEC. 4. Sections 1 and 2 of this act shall remain in effect for income years commencing prior to December 31, 1970, and shall have no force or effect after that date.

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 1463

An act to amend Sections 4010, 4034, 4084, 4222, 4389, and 4416 of, to add Sections 4084.5 and 4084.6 to, and to repeal Section 4217 of, the Business and Professions Code, and to add Sections 26251, 26386, and 26387 to, and Article 5.5 (commencing with Section 26310) to Chapter 2 of Division 21 of, the Health and Safety Code, relating to drugs.

[Approved by Governor August 24, 1968. Filed with Secretary of State August 26, 1968.]

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

SECTION 1. Section 4010 of the Business and Professions Code is amended to read:

4010. The board may employ inspectors of pharmacy. The members of the board and inspectors of pharmacy may inspect, during business hours, all pharmacies, dispensaries, stores or places in which drugs or poisons are compounded, dispensed or sold. Inspectors of pharmacy, except inspectors of pharmacy who are in the employ of the board on July 15, 1955, whose principal duties are the inspection of pharmacies, and premises operated or conducted by a wholesaler, shall be registered pharmacists.

SEC. 2. Section 4034 of the Business and Professions Code is amended to read:

4034. "Manufacturer" means and includes every person who prepares, derives, produces, compounds, or repackages any drug excepting a pharmacy which manufactures on the immediate premises where the drug is sold to the ultimate consumer.

SEC. 3. Section 4084 of the Business and Professions Code is amended to read:

4084. No person shall act as a wholesaler unless he has obtained a certificate, license, permit, registration or exemption from the board. Each application shall be made on a form furnished by the board. Upon approval thereof by the board and the payment of the required fee, the board shall issue a certificate, license, permit, registration or exemption to such applicant.

No selling or distribution outlet, located in this state, of any out-of-state manufacturer, which has not obtained a certificate, license, permit, registration, or exemption from the board, which sells or distributes only the drugs of such manufacturer, shall sell or distribute any drug in this state without obtaining a wholesaler's certificate, license, permit, registration, or exemption from the board.

Each certificate, license, permit, registration or exemption shall be required for each place of business owned or operated by a specific person. Separate certificates, licenses, permits, registrations or exemptions shall be required for each place of

business owned or operated by a wholesaler, and shall be renewed annually before the first day of January of each year.

SEC. 4. Section 4084.5 is added to the Business and Professions Code, to read:

4084.5. No person acting as principal or agent for any out-of-state manufacturer, wholesaler, or pharmacy who has not obtained a certificate, license, permit, registration, or exemption from the board, and who sells or distributes drugs in this state which are not obtained through a wholesaler who has obtained a certificate, license, permit, registration, or exemption, pursuant to the provisions of this chapter or which are not obtained through a selling or distribution outlet of an out-of-state manufacturer which is licensed as a wholesaler pursuant to the provisions of this chapter, shall conduct the business of selling or distributing such drugs within this state without registering with the board.

Registration of persons under this section shall be made on a form furnished by the board. The board may require such information as the board deems is reasonably necessary to carry out the purposes of this section, including, but not limited to, the name and address of the registrant and the name and address of the manufacturer whose drugs he is selling or distributing.

The board may deny, revoke, or suspend such person's registration for any violation of this chapter or for any violation of Division 21 (commencing with Section 26001) of the Health and Safety Code. The board may deny, revoke, or suspend such person's registration if the manufacturer, whose drugs he is selling or distributing, violates any provision of this chapter or any provision of Division 21 (commencing with Section 26001) of the Health and Safety Code.

SEC. 5. Section 4084.6 is added to the Business and Professions Code, to read:

4084.6. No out-of-state manufacturer, wholesaler, or pharmacy doing business in this state who has not obtained a certificate, license, permit, registration, or exemption from the board and who sells or distributes drugs in this state through any person or media other than a wholesaler who has obtained a certificate, license, permit, registration, or exemption pursuant to the provisions of this chapter or through a selling or distribution outlet which is licensed as a wholesaler pursuant to the provisions of this chapter, shall conduct the business of selling or distributing drugs in this state without obtaining an out-of-state drug distributor's license from the board.

Applications for an out-of-state drug distributor's license under this section shall be made on a form furnished by the board. The board may require such information as the board deems is reasonably necessary to carry out the purposes of the section.

The board may deny, revoke, or suspend such out-of-state distributor's license for any violation of this chapter or for

any violation of Division 21 (commencing with Section 26001) of the Health and Safety Code.

The Legislature, by enacting this section, does not intend a license issued to any out-of-state manufacturer, wholesaler, or pharmacy pursuant to this section to change or affect the tax liability imposed by Chapter 3 (commencing with Section 23501) of Part 11 of Division 2 of the Revenue and Taxation Code on any out-of-state manufacturer, wholesaler, or pharmacy.

The Legislature, by enacting this section, does not intend a license issued to any out-of-state manufacturer, wholesaler, or pharmacy pursuant to this section to serve as any evidence that such out-of-state manufacturer, wholesaler, or pharmacy is doing business within this state.

SEC. 6. Section 4222 of the Business and Professions Code is amended to read:

4222. Except as provided in Sections 4226 and 4226.5, every person who furnishes any hypnotic drug to any other person shall first obtain from the board an hypnotic license for each separate office, shop, store or other place of business, which license shall expire on the 31st day of October of each odd-numbered year, if not renewed. The fees for issuance and renewal of such license shall be set by the board as provided in subdivision (k) of Section 4416.

Every person who obtains an hypnotic license shall, within 15 days of its receipt, furnish the board with a dated inventory of all hypnotic drugs in his possession. A copy of such inventory shall be kept on file in the place of business of the licensee for a period of three years, subject to inspection by authorized officers of the law.

An hypnotic license in nontransferable. Any person who acquires a business wherein the former owner holds an hypnotic license and possesses any hypnotic drugs, shall file with the board at the time of his application for an hypnotic license an inventory of all hypnotic drugs which are to be acquired by such transfer of ownership. The provisions of this section do not apply when hypnotic drugs are combined or compounded with medicinal drugs which render such combination or compound unfit for hypnotic use.

Nothing contained in this section shall apply to a manufacturer.

SEC. 7. Section 4217 of the Business and Professions Code is repealed.

SEC. 8. Section 4389 of the Business and Professions Code is amended to read:

4389. Any person violating any rule or regulation adopted by the board relating to the sanitary condition of any establishment or person licensed by the board is guilty of a misdemeanor and upon conviction thereof shall be liable to punishment by a fine of not less than one hundred dollars ($100) or more than five hundred dollars ($500) or by imprisonment for not less than 60 days, or by both such fine and imprisonment.

SEC. 9. Section 4416 of the Business and Professions Code is amended to read:

4416. The amount of fees and penalties prescribed by this chapter, except as otherwise provided, is that fixed by the following schedule:

(a) The fee for a permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed fifty dollars ($50) for each pharmacy.

(b) The annual fee for renewal of the permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed fifty dollars ($50) for each pharmacy.

(c) The annual fee for a permit for a general dealer in a rural district shall be fixed by the board at an amount not to exceed five dollars ($5).

(d) The fee for any applicant for registration shall be fixed by the board at an amount not to exceed seventy-five dollars ($75).

(e) The additional fee for the issuance of a certificate to any licentiate, who is found by the board on examination to be entitled to a certificate, shall be fixed by the board at an amount not to exceed twenty-five dollars ($25), except that, if the certificate is issued less than one year before the next succeeding regular renewal date, the fee shall not exceed fifteen dollars ($15). The board may, by regulation, provide for the waiver or refund of the additional fee for the issuance of a certificate where the certificate is issued less than 45 days before the next succeeding regular renewal date.

(f) The fee for the reissuance of a certificate shall be fixed by the board at an amount not to exceed fifteen dollars ($15).

(g) Except as otherwise provided in this subdivision, the renewal fee for a registered pharmacist may be fixed by the board as follows:

(1) For the renewal period beginning on July 1, 1962, and ending on October 31, 1963, at an amount not to exceed ten dollars ($10).

(2) For the renewal period beginning on November 1, 1963, and ending on October 31, 1965, and for each biennial renewal period thereafter, at an amount not to exceed fifty dollars ($50).

(h) The fee for a wholesaler shall be fixed by the board at an amount not to exceed two hundred dollars ($200).

(i) The fee for a hypodermic license shall be fixed by the board at an amount not to exceed five dollars ($5).

(j) The fee for renewal of a hypnotic license shall be fixed by the board at an amount not to exceed twenty dollars ($20). The fee for original issuance of the license shall be fixed by the board at an amount not to exceed twenty-five dollars ($25) if the license is issued not less than one year before the next succeeding regular renewal date, and at an amount not to exceed fifteen dollars ($15) if the license is issued less than one year before the next succeeding regular renewal date. The board may, by regulation, provide for the waiver or refund of

the fee for original issuance of the license where the license is issued less than 45 days before the next succeeding regular renewal date.

(k) The penalty for failure to pay any renewal fee may be fixed by the board at an amount not to exceed the sum of ten dollars ($10) for each year of delinquency.

(*l*) The fee for the reissuance of any permit, license, or certificate, or renewal thereof, except as provided by subdivision (f), which has been lost or destroyed or which must be reissued because of a change in the information appearing thereon is five dollars ($5).

(m) The fee for an application for exemption under Section 4050.6 shall be fixed by the board at an amount not to exceed twenty-five dollars ($25). Such fee shall be paid at the time the application is filed and shall not be refunded. If, after investigation or examination of the person or persons upon the basis of whose qualifications the exemption is sought, the board finds that the applicant is entitled to the exemption, it shall issue to him, upon payment of an additional fee fixed by the board at an amount not to exceed twenty-five dollars ($25), a certificate of exemption naming the person or persons upon the basis of whose qualifications the exemption is granted. Such certificate shall be renewed annually on or before the 31st day of December upon payment of a renewal fee fixed by the board at an amount not to exceed twenty-five dollars ($25).

(n) The fee for registration under Section 4084.5 shall be fixed by the board at an amount not to exceed ten dollars ($10).

(o) The fee for an out-of-state drug distributor's license issued pursuant to Section 4084.6 shall be fixed by the board at an amount not to exceed the reasonable costs of the board for the issuance of such license, which in no event shall exceed two hundred dollars ($200).

SEC. 10. Section 26251 is added to the Health and Safety Code, to read:

26251. A drug or device shall be deemed to be misbranded if it was manufactured in California in an establishment not duly licensed as provided in this chapter.

SEC. 11. Article 5.5 (commencing with Section 26310) is added to Chapter 2 of Division 21 of the Health and Safety Code, to read:

Article 5.5. Manufacturers

26310. Every person who manufactures in this state a drug or device as defined in this chapter shall first obtain a license from the State Department of Public Health. Such license is good for one calendar year from the date of issue and is not transferable.

26311 A separate license shall be required for each place of business Every person licensed pursuant to Section 26310 shall immediately notify the State Department of Public Health of any change of ownership, name or address, or of any additional establishment he intends to operate.

26312. The application shall be accompanied by an application fee as prescribed in Section 26313. The fee is not refundable if the license is refused.

26313. The application fee for a license to manufacture a drug or device shall be established by the department at an amount not to exceed two hundred dollars ($200). The penalty for failure to apply for renewal of a license within 30 days after the expiration is ten dollars ($10) and shall be added to the renewal fee and be paid by the applicant before the renewal license may be issued. All fees collected shall be expended as appropriated by the Legislature in the carrying out of the provisions of this chapter and the regulations adopted pursuant thereto.

26314. Prior to issuing or renewing a license required by Section 26310, the department shall inspect each place of business to determine ownership, adequacy of facilities, and personnel qualifications.

26315. The department from time to time shall make such investigations or inspections authorized by Section 26330 as it deems necessary to carry out the provisions of this chapter.

26316. Failure to comply with all provisions of this chapter and regulations adopted pursuant thereto shall be grounds for denying a license or for suspending or revoking a license. Proceedings for the denial, suspension or revocation of a license shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 to Title 2 of the Government Code, and the department shall have all the powers granted therein.

26316.5. Drug manufacturers who have obtained a license or who are applying for a license pursuant to this article shall submit to the California State Board of Pharmacy such information as the board deems reasonably necessary to carry out its drug distribution responsibilities, including, but not limited to information on drug inventories or restricted dangerous drugs. Failure of any such manufacturer to report such information to the board in a timely fashion shall be grounds for the state department to deny, suspend, or revoke the manufacturer's license.

The board may adopt rules and regulations which are reasonably necessary to implement this section.

26317. Failure to obtain a license to manufacture as provided by this chapter is a misdemeanor as set forth in Section 26295.

26318. The licensing provisions of this chapter shall not apply to any of the following:

(a) Pharmacies which maintain establishments in conformance with provisions of the Pharmacy Law (Chapter 9, (commencing with Section 4000) of Division 2 of the Business and Professions Code) regulating the practice of pharmacy and which are regularly engaged in dispensing prescription drugs, upon prescriptions of practitioners licensed to administer such drugs to patients under the care of such practitioners in

the course of their professional practice, and which do not manufacture, prepare, propagate, compound, or process drugs for sale other than in the regular course of their business of dispensing or selling drugs at retail.

(b) Pharmacies solely engaged in providing drugs or devices to a practitioner licensed by law to administer such drug or device for his use in the course of his professional practice.

(c) Pharmacies solely providing drugs or devices to another pharmacy in order to meet a temporary inventory shortage.

(d) Practitioners licensed by law to prescribe or administer drugs and who manufacture, prepare, propagate, compound, or process drugs solely for use in the course of their professional practice.

(e) Persons who manufacture, prepare, propagate, compound, or process drugs solely for use in research, teaching, or chemical analysis and not for sale.

(f) Wholesalers, as defined in Section 4038 of the Business and Professions Code.

(g) Such other classes of persons as the department may by regulation exempt from the application of this section upon a finding that licensing by such classes of persons in accordance with this section is not necessary for the protection of the public health.

(h) Persons who manufacture medicated feed.

SEC. 12. Section 26386 is added to the Health and Safety Code, to read:

26386. In addition to the remedies herein provided, the department may 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. 13. Section 26387 is added to the Health and Safety Code, to read:

26387. There is under the jurisdiction of the State Department of Public Health an advisory committee on drug manufacturing. The committee shall consist of five members appointed for four-year terms. Three members shall be appointed by the Governor, one member shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Senate Committee on Rules. Each member shall be a representative from the drug manufacturing industry.

The committee shall advise the department on all matters concerning the drug manufacturing industry for the purpose of promoting the purity, safety, and efficacy of drugs.

Not less than 30 days after the commencement of the 1970 Regular Session of the Legislature the department shall report

to the Legislature on the activities of the committee and shall recommend whether the committee shall be continued in existence.

SEC. 14. This act shall become operative on July 1, 1969.

CHAPTER 1464

An act to amend Section 23601.7 of the Education Code, relating to state colleges, and making an appropriation therefor.

[Approved by Governor August 24, 1968. Filed with Secretary of State August 27, 1968.]

I object to the $100,000 appropriation in Senate Bill No. 1075 and I hereby eliminate this appropriation from the bill. With this deletion, I approve the bill.

RONALD REAGAN, Governor

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

SECTION 1. Section 23601.7 of the Education Code is amended to read:

23601.7. There is hereby established a state college in San Mateo County. The college shall be included in the California State Colleges.

The state college established by this section shall commence construction only upon resolution of the trustees, approved by the Coordinating Council for Higher Education.

SEC. 2. There is hereby appropriated to the Trustees of the California State Colleges, payable from the Capital Outlay Fund for Public Higher Education, the sum of one hundred thousand dollars ($100,000) for planning of the next state college to be built.

CHAPTER 1465

An act to amend Sections 11530 and 11910 of, and to add Section 11530.1 to, the Health and Safety Code, relating to drugs.

[Approved by Governor August 24, 1968. Filed with Secretary of State August 27, 1968.]

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

SECTION 1. Section 11530 of the Health and Safety Code is amended to read:

11530. Every person who possesses any marijuana, except as otherwise provided by law, shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not less than one year nor more than 10 years.

If such person has been previously convicted once of any felony offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years in prison.

If such person has been previously convicted two or more times of any felony offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this state would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison for five years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

SEC. 2. Section 11530.1 is added to the Health and Safety Code, to read:

11530.1. Every person who plants, cultivates, harvests, dries, or processes any marijuana, or any part thereof, except as otherwise provided by law, shall be punished by imprisonment in the state prison for not less than one year nor more than 10 years and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than one year in prison.

If such person has been previously convicted once of any felony offense described in this division or has been previously convicted once of any offense under the laws of any other state or the United States which if committed in this state would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years in prison.

If such person has been previously convicted two or more times of any felony offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States

which if committed in this state would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison for five years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

SEC. 3. Section 11910 of the Health and Safety Code is amended to read:

11910. Except as otherwise provided in Article 8 (commencing with Section 4210), Chapter 9, Division 2 of the Business and Professions Code, every person who possesses any restricted dangerous drug except upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state shall be punished by imprisonment in the county jail not exceeding one year, or in the state prison for not less than one year nor more than 10 years.

If such person has been previously once convicted of any felony offense described in this division or of a conspiracy to commit any offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States, which if committed in this state would be punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information, and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years in prison.

CHAPTER 1466

An act to add Section 75093 to the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor August 29, 1968 Filed with Secretary of State August 30, 1968]

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

SECTION 1. Section 75093 is added to the Government Code, to read:

75093. Notwithstanding any other provisions of this article to the contrary, the surviving spouse of any judge who died in office after January 1, 1966 may elect to receive a monthly allowance, equal to 25 percent of the monthly salary payable at the time payment of the allowance falls due, to the judge last

holding the judicial office to which the deceased judge was last elected or appointed.

A surviving spouse who receives an allowance under this section, shall have no other claim with respect to the Judges' Retirement Fund or with respect to any other provisions of the Judges' Retirement Law.

If the surviving spouse has received a benefit under Division 4 (commencing with Section 3201) of the Labor Code, on account of the death of such a person, the amount of any such benefit shall be deducted from the allowance payable under this section.

The allowance provided by this section shall be payable commencing with the date of the judge's death.

CHAPTER 1467

An act to amend Sections 11403 and 11450 of, and to add Section 11008.7 to, the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor August 29, 1968. Filed with Secretary of State August 30, 1968.]

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

SECTION 1. Section 11008.7 is added to the Welfare and Institutions Code, to read:

11008.7. When determining the income of a recipient, to the extent permitted by federal law, funds distributed to persons of California Indian descent by the enactment of the House of Representatives Bill No. 10911 of the 90th Congress shall not be considered income or resources of the recipient and shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

SEC. 2. Section 11403 of the Welfare and Institutions Code is amended to read:

11403. An institution maintaining a needy child may make application to the department for aid for the child. Upon receipt of documents and facts establishing the eligibility of a needy child under this chapter, the Director of Social Welfare shall award aid to such child to be paid to the institution in an amount not to exceed 67.5 percent of eighty-five dollars ($85) per month, or so much thereof as is necessary for the adequate care of the child.

The maximum amount of aid payable under the previous paragraph shall be increased to one hundred dollars ($100) per month in assistance in those cases and during such times as the United States government contributes.

SEC. 3. Section 11450 of the Welfare and Institutions Code is amended to read:

11450. (a) For each needy family which includes one or more needy children qualified for aid under this chapter, ex-

cept as provided in Section 11403, there shall be paid the sums specified in the following table, or so much thereof as is necessary for the adequate care of the needy family:

Number of needy children in the same home	Maximum aid
1 child	$145
2 children	168
3 children	215
4 children	256
5 children	291
6 children	320
7 children	343
8 children	360
9 children	371

Plus five dollars ($5) per child for each additional child.

If, when and during such times as the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on January 1, 1961, the amounts specified in the above table shall be increased or decreased by an amount equal to such increase or decrease by the United States government.

(b) For children receiving foster care who are qualified for aid under the provisions of this chapter, except as provided in Section 11403, there shall be paid the sum necessary for the adequate care of each child, but not to exceed in any month the product of eighty dollars ($80) multiplied by the number of children in each county receiving foster care. The state shall pay 67.5 percent and the county shall pay 32.5 percent of the aid furnished for the adequate care of such children.

The maximum amount of aid payable under the previous paragraph shall be increased up to one hundred dollars ($100) per month in assistance in those cases and during such times as the United States government contributes.

(c) As used in this chapter, "foster care" means care in a boarding home or institution

SEC. 4. The appropriation made by this act is intended to relieve local government from the necessity of making expenditures from revenues derived from property taxation, and the amount appropriated by this act shall be deemed to be for property tax relief purposes within the meaning of Section 64 of Chapter 1209 of the Statutes of the 1967 Regular Session of the Legislature, as amended by Section 4 of Chapter 408 of the Statutes of the 1968 Regular Session of the Legislature.

CHAPTER 1468

An act to add Section 327 to the Penal Code, relating to endless chain schemes.

[Approved by Governor August 29, 1968. Filed with Secretary of State August 30, 1968.]

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

SECTION 1. Section 327 is added to the Penal Code, to read:

327. Every person who contrives, prepares, sets up, proposes, or operates any endless chain is guilty of a misdemeanor. As used in this section, an "endless chain" means any scheme for the disposal or distribution of property whereby a participant pays a valuable consideration for the chance to receive compensation for introducing one or more additional persons into participation in the scheme or for the chance to receive compensation when a person introduced by the participant introduces a new participant. Compensation, as used in this section, does not mean or include payment based upon sales made to persons who are not participants in the scheme and who are not purchasing in order to participate in the scheme.

CHAPTER 1469

An act to amend Sections 12509, 12804, 14900, 26701, and 27800 of, to add Sections 26705 and 27801 to, and to repeal Sections 12654, 26705 and 27801 of, the Vehicle Code, relating to motor vehicles, and making an appropriation therefor.

[Approved by Governor August 29, 1968. Filed with Secretary of State August 30, 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. (a) Except as provided in subdivision (f) of Section 12514 any physically or mentally qualified person who is 15 years and 6 months or over who has successfully completed approved courses in automobile driver education and driver training as provided in Section 12507 or any physically or mentally qualified 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, including a motorcycle subject to the limitations imposed by subdivision (d) of this section, upon the highways for a period not exceeding six months when, except in the case of

a motorcycle, accompanied by, and under the immediate supervision of, a California licensed driver 25 years of age or over not holding a probationary type license. The department may extend the period of the permit for an additional period not to exceed six months upon receipt of a written request from the applicant prior to the expiration of the original six months period. 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.

(b) The department may also issue an instruction permit to any physically and mentally qualified person age 15 years and 6 months or over who has successfully completed an approved course in automobile driver education and is taking driver training as provided in Section 12507. The instruction permit shall be restricted to the operation of a motor vehicle other than a motorcycle either when taking the driver training instruction of a kind referred to in Section 12507, or when practicing such instruction and accompanied by a licensed driver as provided in subdivision (a).

(c) The department may also issue an instruction permit to a person who has been issued a valid driver's license to authorize the person to obtain driver training instruction and to practice such instruction in order to obtain an additional class driver's license or an endorsement.

(d) The department may also issue an instruction permit to any physically and mentally qualified person who is 15 years and 6 months or over and has successfully completed approved courses in automobile driver education and driver training as provided in Section 12507 or to any physically and mentally qualified person who is over the age of 17 years and 6 months which shall enable the applicant while having the permit in his immediate possession to drive a motorcycle, except that such applicant shall not operate a motorcycle during hours of darkness, shall stay off any freeways which have full control of access and no crossings at grade and shall not carry any passenger except an instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5.

SEC. 2. Section 12654 of the Vehicle Code is repealed.

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 hear-

ing 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) In accordance with the following classifications any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive:

(1) Class 1. Any combination of vehicles and includes the operation of all vehicles under class 2 and class 3.

(2) Class 2. Any bus, any "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, any two-axle vehicle, and any such house car or vehicle towing another vehicle weighing less than 6,000 pounds gross, except a bus, two-wheel motorcycle, or "farm labor truck."

(4) Class 4. Any two-wheel motorcycle. Authority to operate vehicles included in a class 4 license may be granted by endorsement on a class 1, 2 or 3 license upon completion of appropriate examination. A person holding a valid class 1, class 2 or class 3 driver's license on the effective date of the amendments to this section enacted at the 1968 Regular Session of the Legislature may drive a motorcycle until such time as the license expires without obtaining a class 4 license or endorsement.

(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. Section 14900 of the Vehicle Code is amended to read:

14900. (a) Upon application for an original driver's license or for the renewal of a driver's license there shall be

paid the department a fee of three dollars ($3). The payment of the fee shall entitle the person paying same to make application for a driver's license and to three examinations within a period of six months. Such period may be extended when the department has extended the period of an instruction permit issued from such application as provided in Section 12509.

The term "driver's license" as used in this section includes all licenses of every kind issued under Division 6 of this code.

(b) Any person who, by reason of physical disabilities, is unable to move about as a pedestrian shall be exempt from the fee provided in this section, but only in the event the license issued to such person restricts such person to the operation of a self-propelled wheelchair or invalid tricycle.

SEC. 5. Section 26701 of the Vehicle Code is amended to read:

26701. (a) No person shall sell, offer for sale, or operate any motor vehicle, except a motorcycle, manufactured after January 1, 1936, unless it is equipped with safety glazing material wherever glazing materials are used in partitions, doors, windows, windshields, or wind deflectors.

(b) No person shall sell or offer for sale any camper manufactured after January 1, 1968, nor shall any person operate a motor vehicle registered in this state which is equipped with such a camper, unless the camper is equipped with safety glazing materials wherever glazing materials are used in outside windows and doors.

(c) No person shall operate a motorcycle manufactured after January 1, 1969, equipped with a windshield containing glazing material unless it is safety glazing material.

(d) No person shall sell, offer for sale or operate any motor vehicle equipped with red or amber glazing material in any partitions, windows, windshields, or wind deflectors.

SEC. 6. Section 26705 of the Vehicle Code is repealed.

SEC. 7. Section 26705 of the Vehicle Code is added, to read:

26705. On or after January 1, 1969, no person shall sell or offer for sale for use upon or as part of the equipment of a motorcycle any motorcycle windshield unless the glazing material used therein is safety glazing material.

SEC. 8. Section 27800 of the Vehicle Code is amended to read:

27800. It is unlawful for a driver of a motorcycle to carry any other person thereon, except on a seat securely fastened to the machine in the rear of the driver and provided with footrests, or in a sidecar attached to a motorcycle and designed for the purpose of carrying a passenger. Every passenger on a motorcycle shall keep his feet on the footrests while the motorcycle is in motion.

SEC. 9. Section 27801 of the Vehicle Code is repealed.

SEC. 10. Section 27801 of the Vehicle Code is added, to read:

27801. No person shall drive any two-wheel motorcycle:

(a) Equipped with a seat so positioned that the driver, when sitting astride the seat, cannot reach the ground with his feet.

(b) Equipped with handlebars that are more than 15 inches in height above that portion of the seat occupied by the rider when occupied and depressed by his weight.

SEC. 11. The sum of one hundred five thousand dollars ($105,000) is hereby appropriated from the Motor Vehicle Fund to the Department of Motor Vehicles for expenditure during the 1968–1969 fiscal year in carrying out the provisions of this act.

CHAPTER 1470

An act to amend Section 509 of the Welfare and Institutions Code, relating to juvenile halls and making an appropriation therefor.

[Approved by Governor August 29, 1968 Filed with Secretary of State August 30, 1968.]

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

SECTION 1. Section 509 of the Welfare and Institutions Code is amended to read:

509. The judge of the juvenile court of a county, or, if there is more than one such judge, the presiding judge of the juvenile court shall, at least annually, inspect any jail, juvenile hall, or lockup which, in the preceding calendar year was used for confinement for more than 24 hours of any minor under the age of 18 years. The judge shall note in the minutes of the court whether the jail, juvenile hall, or lockup is a suitable place for confinement of minors under the age of 18 years.

The Youth Authority shall likewise conduct an annual inspection of each jail, juvenile hall, or lockup situated in this state which, during the preceding calendar year, was used for confinement for more than 24 hours of any minor under the age of 18 years.

If either the judge of the juvenile court or the Youth Authority, after inspection of a jail, juvenile hall, or lockup, finds that it is not a suitable place for confinement of minors under the age of 18 years, the juvenile court or the Youth Authority shall give notice of its finding to all persons having authority to confine such minors pursuant to this chapter and commencing 60 days thereafter such jail, juvenile hall, or lockup shall not be used for confinement of such minors until such time as the judge or Youth Authority, as the case may be, finds, after reinspection of the jail, juvenile hall, or lockup, that the conditions which rendered the facility unsuitable have been remedied, and such facility is a suitable place for confinement of such minors.

The custodian of each jail, juvenile hall, and lockup shall make such reports as may be required by the Youth Authority or the juvenile court to effectuate the purposes of this section.

SEC. 2. The sum of twenty thousand dollars ($20,000) is hereby appropriated from the General Fund to the Department of the Youth Authority for the purposes of this act

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CHAPTER 1471

An act to add Section 75094 to the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor August 29, 1968 Filed with Secretary of State August 30, 1968]

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

SECTION 1. Section 75094 is added to the Government Code, to read:

75094. Notwithstanding any other provisions of this article to the contrary, the surviving spouse of any former judge who retired pursuant to this chapter after January 1, 1951, and before September 9, 1953, shall receive a monthly allowance equal to 25 percent of the monthly salary payable to the judge at the time he retired.

A surviving spouse who receives an allowance under this section, shall have no other claim with respect to the Judges' Retirement Fund or with respect to any other provisions of the Judges' Retirement Law.

A surviving spouse who is eligible to receive benefits under this section shall be paid a sum equal to that which would have been paid to her if the allowance had commenced on the date of the former judge's death except that such sum shall not exceed five thousand dollars ($5,000). No surviving spouse shall have any other claim against the fund with respect to such time.

CHAPTER 1472

An act to amend Sections 27123, 27125, and 27173.5 of, to repeal Sections 27122 and 27124 of, to add Sections 27122, 27124, 27173.6, 27173.7, 27173.8, and 27282 to, and to add Chapter 10.6 (commencing with Section 27195) to Part 3 of Division 16 of, the Streets and Highways Code, relating to bridge and highway districts.

[Approved by Governor August 29, 1968 Filed with Secretary of State August 30, 1968]

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

SECTION 1. Section 27122 of the Streets and Highways Code is repealed.

SEC. 2. Section 27122 is added to the Streets and Highways Code, to read:

27122. The composition of the board of directors of the district shall be as follows:

(a) One director, representing Del Norte County, one director, representing Mendocino County, and one director, representing Napa County, appointed by the board of supervisors of the respective represented county.

(b) Three directors, representing Marin County, appointed by the board of supervisors thereof. One of such directors shall be an elected member of said board of supervisors, and another of such directors shall be an elected member of a city council of a city within Marin County, and shall be designated by the Marin Council of Mayors and Councilmen.

(c) Three directors, representing Sonoma County, appointed by the board of supervisors thereof. One of such directors shall be an elected member of said board of supervisors, and another of such directors shall be an elected member of a city council of a city within Sonoma County, and shall be designated by the Mayors' and Councilmen's Association of Sonoma County.

(d) Nine directors, representing the City and County of San Francisco, eight of which shall be appointed by the board of supervisors thereof, and one of which shall be appointed by the mayor thereof by an order of appointment, a certified copy of which shall be immediately forwarded to the Secretary of State. Four of such directors shall be elected members of said board of supervisors.

SEC. 3. Section 27123 of the Streets and Highways Code is amended to read:

27123. Those directors appointed by the board of supervisors of a county shall be appointed by resolution of such board of supervisors, a certified copy of which shall be immediately forwarded to the Secretary of State.

SEC. 4. Section 27124 of the Streets and Highways Code is repealed.

SEC. 4.5. Section 27124 is added to the Streets and Highways Code, to read:

27124. All directors shall serve at the pleasure of the appointing authority; provided, that notwithstanding this section and Section 27122, any director in office on the effective date of this section may continue to serve on the board until the expiration of the term for which he was appointed.

Each appointing authority shall review its appointment or appointments to the board in January every two years, and indicate its desire to retain such director or directors by affirming such retention by the adoption of a resolution, or, in the case of the Mayor of the City and County of San Francisco, by the issuance of a declaration, to that effect.

SEC. 5. Section 27125 of the Streets and Highways Code is amended to read:

27125. Any vacancy in the board shall be filled by appointment by the appointing authority which originally appointed the director whose position has become vacant.

SEC. 6. Section 27173.5 of the Streets and Highways Code is amended to read:

27173.5. Whenever the estimated expenditure is in excess of five thousand dollars ($5,000), the district shall advertise pursuant to Section 6066 of the Government Code for contracts for all construction, repair, maintenance and alteration work and all similar work, and for all insurance purchased by the district for any reason, except physical damage insurance covering the bridge structure itself, in (a) at least one newspaper and not more than three newspapers designated by the general manager, which are published in any one county or portion of a county within the district, and (b) whenever the estimated expense in such case is in excess of fifteen thousand dollars ($15,000), by publication for two consecutive insertions in a weekly trade paper of general circulation, published either in the City of Los Angeles or the City and County of San Francisco, devoted primarily to the dissemination of contract news among contracting firms. The district shall publicly open the bids and award the contract to the lowest responsible bidder.

In case of emergency repairs necessitated by landslide, flood, storm or wind damage, accident, or other casualty, tools or equipment may be rented for a period of not to exceed 30 days after the occurrence of such emergency without advertising or competitive bidding.

Under the provisions of Section 27281, the board shall retire any bonded debt in full, in as short a time as, in the prudent judgment of the board, is economically feasible.

SEC. 7. Section 27173.6 is added to the Streets and Highways Code, to read:

27173.6. It shall be unlawful to employ any means to evade the provisions of this chapter requiring work to be done by contract after competitive bidding, including the splitting of projects into smaller work orders, the amendment of existing contracts, or the approval of a subcontract or subcontracts let under existing contracts. Every person who willfully violates this section shall be guilty of a misdemeanor.

SEC. 8. Section 27173.7 is added to the Streets and Highways Code, to read:

27173.7. All contracts in excess of five thousand dollars ($5,000) entered into by the district for the hiring or purchase of equipment, supplies, or materials, are of no effect unless the district shall advertise pursuant to Section 6066 of the Government Code for bids for such contracts in at least one newspaper and not more than three newspapers designated by the general manager, which are published in any one county or portion of a county within the district, and unless the district shall award the contract to the lowest responsible bidder.

SEC. 9. Section 27173.8 is added to the Streets and Highways Code, to read:

27173.8. Every purchase or contract made in violation of the competitive bidding requirements of this part shall be void.

SEC. 10. Chapter 10.6 (commencing with Section 27195) is added to Part 3 of Division 16 of the Streets and Highways Code, to read:

CHAPTER 10.6. ANNUAL AUDIT OF THE DISTRICT

27195. (a) The district shall contract with a certified public accountant to make an annual audit, the scope and content of which shall be prescribed by such accountant, of the books, accounts, records, papers, money, and securities of the district.

(b) Such report shall include a statement as to whether or not the accountant, through the application of auditing tests, is satisfied that all expenditures which had been made were supported by proper documentation and itemization and that all claims which had been paid were properly itemized.

(c) All costs of the audit shall be borne by the district.

(d) A copy of each year's audit shall be sent to the county auditor of each county within the district for public inspection.

27196. The accountant who is under contract to perform the audit provided for in Section 27195 may at any reasonable time and place examine the books and records of the district.

SEC. 11. Section 27282 is added to the Streets and Highways Code, to read:

27282. The board may fix tolls for travel in one direction only on a facility of travel constructed by the district, with no tolls collected for travel in the other direction.

CHAPTER 1473

An act to amend Sections 3020, 7017, and 19432 of the Business and Professions Code, to amend Sections 15490 and 16480.1 of the Government Code, to amend Section 11770.5 of the Insurance Code, to add Section 10207 to, and Chapter 3.5 (commencing with Section 6250) to Division 7 of Title 1 of the Government Code, and to repeal Sections 1208, and 20473 of the Agricultural Code, Sections 2122, 2713.5, 2852.5, 4013, 4809.1, 5014, 6307.5, 7207.5, 7611, 8010, 8919.2, 9009.5, 9536, 9936, 10060, 18626.7, and 19035 10 of the Business and Professions Code, Article 1 (commencing with Section 1887) of Chapter 3 of Title 2 of Part 1 of, and Sections 1892, 1893, and 1894 of the Code of Civil Procedure, Sections 113, 13867, 23607, 24156, 26008 and 31008 of the Education Code, Sections 105, 732, 1326, and 14107 of the Fish and Game Code, Sections 1227, 8013, 8340.8, 8440.8, 10207, 13913, 15487, 20137, and 65020.10 of the

Government Code, Sections 1153.2, 1262, 1356, 1711, and 3805 of the Harbors and Navigation Code, Sections 103.2, 431.4, 1110.2, 13141.2, 17940, and 18917 of the Health and Safety Code, Sections 71.2, 137, 147, and 3092 of the Labor Code, Sections 538, 638, 666, 4567, 9065.2, and 9072 of the Public Resources Code, Section 21209 of the Public Utilities Code, Sections 2605 and 3009 of the Vehicle Code, Sections 13008 and 20034 of the Water Code, and Chapter 842 of the Statutes of 1959, relating to public records.

[Approved by Governor August 29, 1968 Filed with Secretary of State August 30, 1968]

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

SECTION 1. Section 1208 of the Agricultural Code is repealed.

SEC. 3. Section 20473 of the Agricultural Code is repealed.

SEC. 4. Section 2122 of the Business and Professions Code is repealed.

SEC. 5. Section 2713.5 of the Business and Professions Code is repealed.

SEC. 6. Section 2852.5 of the Business and Professions Code is repealed.

SEC. 7. Section 3020 of the Business and Professions Code is amended to read:

3020. The board shall keep an accurate inventory of all property of the board and of the state in the possession of the board and it shall obtain a receipt therefor from its successor.

SEC. 8. Section 4013 of the Business and Professions Code is repealed.

SEC. 9. Section 4809.1 of the Business and Professions Code is repealed.

SEC. 10. Section 5014 of the Business and Professions Code is repealed.

SEC. 11. Section 6307.5 of the Business and Professions Code is repealed.

SEC. 12. Section 7017 of the Business and Professions Code is amended to read:

7017. The board, in addition to the usual periodic reports, shall within 30 days prior to the meeting of the general session of the Legislature submit to the Governor a full and true report of its transactions during the preceding biennium including a complete statement of the receipts and expenditures of the board during the period.

A copy of the report shall be filed with the Secretary of State.

SEC. 13. Section 7207.5 of the Business and Professions Code is repealed.

SEC. 14. Section 7611 of the Business and Professions Code is repealed.

SEC. 15. Section 8010 of the Business and Professions Code is repealed.

SEC. 16. Section 8919.2 of the Business and Professions Code is repealed.

SEC. 17. Section 9009.5 of the Business and Professions Code is repealed.

SEC. 18. Section 9536 of the Business and Professions Code is repealed.

SEC. 19. Section 9936 of the Business and Professions Code is repealed.

SEC. 20. Section 10060 of the Business and Professions Code is repealed.

SEC. 21. Section 18626.7 of the Business and Professions Code is repealed.

SEC. 22. Section 19035.10 of the Business and Professions Code is repealed.

SEC. 23. Section 19432 of the Business and Professions Code is amended to read:

19432. The secretary shall keep a full and true record of all proceedings of the board, preserve at the board's general office all books, documents, and papers of the board, prepare for service such notices and other papers as may be required of him by the board, and perform such other duties as the board may prescribe.

SEC. 24. Article 1 (commencing with Section 1887) of Chapter 3 of Title 2 of Part 4 of the Code of Civil Procedure is repealed.

SEC. 25. Section 1892 of the Code of Civil Procedure is repealed.

SEC. 26. Section 1893 of the Code of Civil Procedure is repealed.

SEC. 27. Section 1894 of the Code of Civil Procedure is repealed.

SEC. 28. Section 113 of the Education Code is repealed.

SEC. 29. Section 13867 of the Education Code is repealed.

SEC. 30. Section 26008 of the Education Code is repealed.

SEC. 31. Section 23607 of the Education Code is repealed.

SEC. 32. Section 24156 of the Education Code is repealed.

SEC. 33. Section 31008 of the Education Code is repealed.

SEC. 34. Section 105 of the Fish and Game Code is repealed.

SEC. 35. Section 732 of the Fish and Game Code is repealed.

SEC. 36. Section 1326 of the Fish and Game Code is repealed.

SEC. 37. Section 14107 of the Fish and Game Code is repealed.

SEC. 38. Section 1227 of the Government Code is repealed.

SEC. 39. Chapter 3.5 (commencing with Section 6250) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 3.5. INSPECTION OF PUBLIC RECORDS

6250. In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every citizen of this state.

6251. This chapter shall be known and may be cited as the California Public Records Act.

6252. As used in this chapter:

(a) "State agency" means every state office, officer, department, division, bureau, board, and commission or other state agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(b) "Local agency" includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; or other local public agency.

(c) "Person" includes any natural person, corporation, partnership, firm, or association.

(d) "Public records" includes all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

6253. Public records are open to inspection at all times during the office hours of the state or local agency and every citizen has a right to inspect any public record, except as hereafter provided. Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section.

6254. Nothing in this chapter shall be construed to require disclosure of records that are:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda which are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;

(b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled;

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;

(d) Trade secrets;

(e) Geological and geophysical data, plant production data and similar information relating to utility systems develop-

ment, or market or crop reports, which are obtained in confidence from any person;

(f) Records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, and any state or local police agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement or licensing purposes;

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination;

(h) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the state or local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreement obtained, provided, however, the law of eminent domain shall not be affected by this provision;

(i) Information required from any taxpayer in connection with the collection of local taxes which is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying such information;

(j) Library and museum materials made or acquired and presented solely for reference or exhibition purposes; and

(k) Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

(*l*) In the custody of or maintained by the Governor or employees of the Governor's office employed directly in his office, provided that public records shall not be transferred to the custody of the Governor's office to evade the disclosure provisions of this chapter.

(m) In the custody of or maintained by the Legislative Counsel.

Nothing in this section is to be construed as preventing any agency from opening its records concerning the administration of the agency to public inspection, unless disclosure is otherwise prohibited by law.

6255. The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.

6256. Any person may receive a copy of any identifiable public record or shall be provided with a copy of all information contained therein. Computer data shall be provided in a form determined by the agency.

6257. A request for a copy of an identifiable public record or information produced therefrom, or a certified copy of such

record, shall be accompanied by payment of a reasonable fee or deposit established by the state or local agency, or the prescribed statutory fee, where applicable.

6258. Any person may institute proceedings in any court of competent jurisdiction to enforce his right to inspect or to receive a copy of any public record under this chapter. The times for responsive pleadings and for hearings in such proceedings shall be set by the judge of the court with the object of securing a decision as to such matters at the earliest possible time.

6259. Whenever it is made to appear by verified petition to the superior court of the county where the records or some part thereof are situated that certain public records are being improperly withheld from a member of the public, the court shall order the officer or person charged with withholding the records to disclose the public record or show cause why he should not do so. The court shall decide the case after examining the record in camera, if permitted by subdivision (b) of Section 915 of the Evidence Code, papers filed by the parties and such oral argument and additional evidence as the court may allow.

If the court finds that the public official's decision to refuse disclosure is not justified under the provisions of Section 6254 or 6255, he shall order the public official to make the record public. If the judge determines that the public official was justified in refusing to make the record public, he shall return the item to the public official without disclosing its content with an order supporting the decision refusing disclosure. Any person who fails to obey the order of the court shall be cited to show cause why he is not in contempt of court.

6260. The provisions of this chapter shall not be deemed in any manner to affect the status of judicial records as it existed immediately prior to the effective date of this section, nor to affect the rights of litigants, including parties to administrative proceedings, under the laws of discovery of this state.

SEC. 40. Section 8013 of the Government Code is repealed.

SEC. 41. Section 8340.8 of the Government Code is repealed.

SEC. 42. Section 8440.8 of the Government Code is repealed.

SEC. 42.3. Section 10207 of the Government Code is repealed.

SEC. 42.5. Section 10207 is added to the Government Code, to read:

10207. The Legislative Counsel shall maintain the attorney-client relationship with each Member of the Legislature with respect to communications between the member and the Legislative Counsel except as otherwise provided by the rules of the Legislature. All materials arising out of this relationship, including but not limited to proposed bills and amendments, analyses, opinions and memoranda prepared by the Legislative Counsel, are not public records, except as otherwise provided

by the rules of the Legislature or when released by the member for whom the material was prepared. When he determines that the public interest so requires, the Legislative Counsel may release any material arising out of the attorney-client relationship with a former Member of the Legislature who is not available to execute a release.

SEC. 43. Section 13913 of the Government Code is repealed.

SEC. 44. Section 15487 of the Government Code is repealed.

SEC. 45. Section 15490 of the Government Code is amended to read:

15490. (a) There is in the state government the State Allocation Board, consisting of the Director of Finance, the Director of General Services, and the Superintendent of Public Instruction. Two Members of the Senate appointed by the Senate Committee on Rules, and two Members of the Assembly appointed by the Speaker, shall meet and, except as otherwise provided by the Constitution, advise with the board to the extent that such advisory participation is not incompatible with their respective positions as Members of the Legislature.

(b) The members of the board and the Members of the Legislature meeting with the board shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties.

(c) The Director of General Services shall provide such assistance to the board as it may require.

SEC. 46. Section 16480.1 of the Government Code is amended to read:

16480.1. There is hereby created a Pooled Money Investment Board, which shall consist of the Controller, Treasurer and Director of Finance. The Pooled Money Investment Board shall meet at least once in every three months and shall designate at least once a month the amount of money available under this article for investment in securities authorized by Article 1 of this chapter, or in bank accounts, or in loans to the General Fund and the type of investment or deposit.

For the purpose of this article, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board. Notwithstanding the provisions of Sections 7.5 and 7.6 of this code, the members of the board shall personally make the determinations under this article, and may not authorize a deputy to act for them.

SEC. 47. Section 20137 of the Government Code is repealed.

SEC. 48. Section 65020.10 of the Government Code is repealed.

SEC. 49. Section 1153.2 of the Harbors and Navigation Code is repealed.

SEC. 50. Section 1262 of the Harbors and Navigation Code is repealed.

SEC. 51. Section 1356 of the Harbors and Navigation Code is repealed.

SEC. 52. Section 1711 of the Harbors and Navigation Code is repealed.

SEC. 53. Section 3805 of the Harbors and Navigation Code is repealed.

SEC. 54. Section 103.2 of the Health and Safety Code is repealed.

SEC. 55. Section 431.4 of the Health and Safety Code is repealed.

SEC. 56. Section 1110.2 of the Health and Safety Code is repealed.

SEC. 57. Section 13141.2 of the Health and Safety Code is repealed.

SEC. 58. Section 17940 of the Health and Safety Code is repealed.

SEC. 59. Section 18917 of the Health and Safety Code is repealed.

SEC. 59.5. Section 11770.5 of the Insurance Code is amended to read:

11770.5. The provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 or Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code shall not apply to the Board of Directors of the State Compensation Insurance Fund.

SEC. 60. Section 71.2 of the Labor Code is repealed.

SEC. 61. Section 137 of the Labor Code is repealed.

SEC. 62. Section 147 of the Labor Code is repealed.

SEC. 63. Section 3092 of the Labor Code is repealed.

SEC. 64. Section 538 of the Public Resources Code is repealed.

SEC. 65. Section 638 of the Public Resources Code is repealed.

SEC. 66. Section 666 of the Public Resources Code is repealed.

SEC. 67. Section 4567 of the Public Resources Code is repealed.

SEC. 68. Section 9065.2 of the Public Resources Code is repealed.

SEC. 69. Section 9072 of the Public Resources Code is repealed.

SEC. 70. Section 21209 of the Public Utilities Code is repealed.

SEC. 71. Section 2605 of the Vehicle Code is repealed.

SEC. 72. Section 3009 of the Vehicle Code is repealed.

SEC. 73. Section 13008 of the Water Code is repealed.

SEC. 74. Section 20034 of the Water Code is repealed.

SEC. 75. Chapter 842 of the Statutes of 1959 is repealed.

CHAPTER 1474

An act to amend Sections 16480.1 and 16480.2 of, and to add Section 16480.3 to, the Government Code, relating to the Pooled Money Investment Board.

[Approved by Governor August 29, 1968. Filed with Secretary of State August 30, 1968.]

The people of the State of California do enact as follows:

SECTION 1. Section 16480.1 of the Government Code is amended to read:

16480.1. There is hereby created a Pooled Money Investment Board, which shall consist of the Controller, Treasurer and Director of Finance. The Pooled Money Investment Board shall meet at least once in every three months and shall designate at least once a month the amount of money available under this article for investment in securities authorized by Article 1 of this chapter, or in bank accounts, or in loans to the General Fund and the type of investment or deposit.

The Pooled Money Investment Board may increase the amount of surplus money normally available for time deposits with the express purpose of placing this money in banks that are members of a California job development corporation and who have made loans to such a corporation or to corporation-approved borrowers.

For the purpose of this article, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board. Notwithstanding the provisions of Sections 7.5 and 7.6 of this code, the members of the board shall personally make the determinations under this article, and may not authorize a deputy to act for them.

All records of the board shall be open to inspection by the public during regular office hours.

SEC. 2. Section 16480.1 of the Government Code is amended to read:

16480.1. There is hereby created a Pooled Money Investment Board, which shall consist of the Controller, Treasurer and Director of Finance. The Pooled Money Investment Board shall meet at least once in every three months and shall designate at least once a month the amount of money available under this article for investment in securities authorized by Article 1 of this chapter, or in bank accounts, or in loans to the General Fund and the type of investment or deposit.

The Pooled Money Investment Board may increase the amount of surplus money normally available for time deposits with the express purpose of placing this money in banks that are members of a California job development corporation and who have made loans to such a corporation or to corporation-approved borrowers.

For the purpose of this article, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board. Notwithstanding the provisions of Sections 7.5 and 7.6 of this code, the members of the board shall personally make the determinations under this article, and may not authorize a deputy to act for them.

SEC. 2.1. Section 16480.2 of the Government Code is amended to read:

16480.2. It is the intent of this article that money available for investment or deposit be invested in securities or deposited in bank accounts in such a way as to realize the maximum return consistent with safe and prudent treasury management.

SEC. 2.2. Section 16480.3 is added to the Government Code, to read:

16480.3. It is the intent of the Legislature that the Pooled Money Investment Board, in administering its investment program, shall give due regard to assisting such specific programs of the state designed to support the economy of economically disadvantaged areas as the California Job Development Corporation Law.

SEC. 3. This act shall become operative only if Assembly Bill No. 1463 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Assembly Bill No. 1463 takes effect.

SEC. 4. Section 2 of this act shall become operative only if Assembly Bill No. 1381 is enacted by the Legislature at its 1968 Regular Session, and in such case at the same time as Assembly Bill No. 1381 becomes operative; at which time Section 1 of this act is repealed.

CONCURRENT AND JOINT RESOLUTIONS AND
CONSTITUTIONAL AMENDMENTS

REGULAR SESSION
1968

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

Adopted at the 1968 Regular Session of the Legislature

RESOLUTION CHAPTER 1

Senate Concurrent Resolution No. 1—Approving amendments to the Charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a general municipal election held therein on the seventh day of November, 1967.

[Filed with Secretary of State January 15, 1968]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973) ; and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county fourteen (14) amendments to said charter ; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said fourteen (14) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Examiner," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county ; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City and

County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "San Francisco Examiner," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a general municipal election to be held in the City and County of San Francisco on the seventh day of November, 1967, the said fourteen (14) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said general municipal election was held in said City and County of San Francisco on the seventh day of November, 1967, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Examiner," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the fourteenth day of December, 1967, duly certify to the board of supervisors the results of said general municipal election as determined from the canvass of the returns thereof; and

WHEREAS, At said general municipal election so held on the seventh day of November, 1967, seven (7) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions C, D, E, F, G, H and K, and seven (7) other charter amendments submitted at said general municipal election, to wit, charter amendments designated as Propositions B, I, J, L, M, N and O received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSITION C

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 145 thereof, relative to age of applicants and appointees to entrance positions in the uniformed force of the Police Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County of San Francisco at an election to be held therein on November 7, 1967, a proposal to amend the charter of said city and county by amending Section 145 thereof, so that the same shall read as follows:

Qualifications and Tests

Section 145. All applicants for places in the classified service shall submit to tests which shall be competitive, provided, however, that no test in either entrance or promotional examinations shall be deemed to be competitive unless two or more persons shall participate, except that any such examination may be held for one qualified applicant on recommendation of the civil service commission and approval by resolution of the board of supervisors, after a finding by the board that reasonable publicity of the proposed examination has been given by the civil service commission. Such tests shall be without charge to the applicants. The commission shall control all examinations and may employ suitable persons in or out of the public service to act as examiners. The tests may be written, oral, mechanical or physical, or any combination of them, practical in character and related to matters fairly to test the relative capacity of the applicants for the positions to be filled. The commission shall be the sole judge of the adequacy of the tests to rate the capacity of the applicants to perform service for the city and county. The commission may, for each examination, establish a passing mark or may determine the total number of persons who shall constitute the list of eligibles. The commission shall prepare from the returns of the examiners the list of eligibles, arranged in order of relative excellence. No question submitted to applicants shall refer to political or religious opinions or fraternal affiliations.

Applicants for entrance positions in the uniformed force of the fire department shall be not less than twenty-one years of age, nor more than thirty-five years of age at the time of appointment and shall have the physical qualifications required for enlistment in the United States Army, Navy and Marine Corps.

Applicants for entrance positions in the uniformed force of the police department shall not be less than twenty years of age at the time of taking the examination, nor less than twenty-one years of age or more than thirty-five years of age at the time of appointment and shall have the physical qualifications required for enlistment in the United States Army, Navy and Marine Corps.

Applicants for positions in the mechanical trades and occupations may, in the discretion of the commission, be rated solely on experience and physical qualifications which may be demonstrated by such evidence and in such manner as the commission may direct, and such applicants may be submitted to

such further tests as the commission may require. Examinations of laborers shall relate only to physical qualifications and experience, and laborers establishing their fitness shall rank upon the register in order of priority of application.

The commission may remove all names from the list of eligibles after they have remained thereon for more than two years and all names thereon shall be removed at the expiration of four years. The commission may, however, provide in the scope-circular of any examination that the list of eligibles secured thereby shall automatically expire at a date not less than two or more than four years after the adoption of such list.

Veterans with thirty days or more actual service, and widows of such veterans, who become eligible for appointment by attaining the passing mark in any entrance examination, shall be allowed an additional credit of five per cent in making up the list of eligibles secured by such examination. The term "veteran" as used in this section shall be taken to mean any person who has been mustered into, or served in, the Army, or enlisted in, or served in, the Navy or Marine Corps, of the United States, in time of war and received an honorable discharge or certificate of honorable active service. In the case of promotive examinations, when the passing mark has been attained, a credit of three per cent shall be allowed to veterans or to widows of such veterans when requested by such veterans or widows. When an eligible has secured a permanent appointment from a list of eligibles derived from an entrance examination in which he has been allowed additional credits of five per cent as herein provided, and has served the full probationary period therein as provided in this charter, such other additional credits of five per cent that have been allowed him on lists of eligibles derived from other entrance examinations shall be automatically cancelled, and his rank on such other list or lists revised to accord with his relative standing before such additional credits were added, and he shall not be allowed such additional credits in any other entrance examinations. If he has received a permanent appointment from a list of eligibles derived from a promotive examination in which he has requested and been allowed the additional credits of three per cent as herein provided, and has served the full probationary period therein as provided in this charter, such additional credits of three per cent that have been allowed him on lists of eligibles derived from other promotive examinations shall be automatically cancelled, and his rank on such other list or lists revised to accord with his relative standing before such additional credits were added, and he shall not be allowed such additional credits in any other promotive examinations. The civil service commission may, for services or employment specified by the commission, allow general or individual preference, but not less than ten per cent, for entrance appointment of veterans who have suffered permanent disability in line of duty, provided that such disability would not prevent the proper performance of the duties required under such service,

or employment, and provided that such disability is of record in the United States Veterans' Bureau.

PROPOSITION D

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Section 134 thereof relating to the Board of Education.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1967, a proposal to amend the charter of said city and county by amending Section 134 thereof, so that the same shall read as follows:

Schools
Board of Education

Section 134. All of the public schools of the school district of the city and county shall be under the control and management of a board of education, composed of seven commissioners, who shall be nominated by the mayor and be subject to confirmation or rejection by vote of the electors as in this section provided, and who shall be subject to recall, and to suspensions and removal in the same manner as elective officers, as provided by this charter. The term of each member shall be five years, commencing on the 8th day of January following their respective nominations, provided that each such five-year term shall begin at the expiration of the respective terms of members as existing at the time this charter shall go into effect. The compensation of each member shall be one hundred dollars ($100) per month.

Nominations of members of the board of education shall be made, subject to confirmation by the electors, by the filing by the mayor, with the registrar of voters between the first and tenth day of September in each year prior to the expiration of the term or terms of members, the name of one qualified citizen, or two, as the case may be, to serve as a member or members, respectively, of said board for the regular term or terms commencing on the 8th day of January in the succeeding year. Each nominee, not later than forty-five days prior to the election at which the electors vote to confirm or reject said nominee, shall file with the registrar a statement of qualifications in not to exceed one hundred words, subscribed by him before the registrar. The registrar shall forthwith certify to the said subscription and its date and retain and file the statement The registrar shall cause said statement of qualifications to be printed and shall mail a copy of the same to each voter, at least five days prior to the election. This printed copy may be attached to any other matter required to be printed and mailed.

The form of ballot shall be as provided in section 184 of this charter and if a majority of the qualified electors voting

on said nomination or nominations shall vote in favor thereof, said nomination shall be confirmed and the person or persons named shall take office on the 8th day of January next following. If a majority of the electors vote "No," the nomination shall stand rejected, and such person shall not be eligible for nomination as a member of the board of education for a period of at least three years. If a majority of the electors vote "No," the mayor shall appoint a qualified citizen to serve as a member of the board until the 8th day of January following the next general election or general municipal election, whichever shall first be held. Between the first and tenth day of September before such general election or general municipal election, the mayor shall nominate, subject to confirmation by the electors at such election, as herein provided, a qualified citizen to serve as a member of the board for the remainder of the five-year term for which the nomination first made by the mayor was rejected. Vacancies otherwise occurring on said board shall be filled by the mayor for the unexpired terms.

PROPOSITION E

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said City and County by amending Section 151.4 relating to vacation allowances for city employees.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on November 7, 1967, a proposal to amend the charter of said City and County by amending Section 151.4 thereof to read as follows:

Annual Vacation of Employees

Section 151.4. Every person employed in the city and county service shall be allowed a vacation with pay annually as long as he continues in his employment as follows:

(1) After one year's continuous service, ten working days.

(2) After five years' continuous service, fifteen working days.

(3) After fifteen years' continuous service, twenty working days.

PROPOSITION F

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Sections 35.5.1, 35.5.2 and 36.2, relating to rates of compensation paid members of the Police and Fire Departments.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County of San Francisco at an election to be held therein

on November 7, 1967, a proposal to amend the charter of said city and county by amending Sections 35.5.1, 35.5.2 and 36.2 so that the same shall read as follows:

Section 35.5.1 Not later than the 15th day of February of each year, the civil service commission shall survey and certify to the board of supervisors rates of compensation paid police officers or patrolmen employed in the respective police departments in all cities of 100,000 population or over in the State of California, based upon the latest federal decennial census.

Not later than the first day of April each year, the board of supervisors shall have power, and it shall be its duty, by ordinance, to fix the rates of compensation for the members of the police department whose annual compensations are set forth in section 35.5 of this charter and said rates shall be in lieu of said annual compensations and shall be effective on the first day of July next following.

The rates of compensation, fixed in said ordinance,

(a) for the fourth year of service and thereafter for police officers, police patrol drivers and women protective officers shall not exceed the highest rate of compensation paid police officers or patrolmen in regular service in the cities included in the certified report of the civil service commission;

(b) for the first, second and third year of service for police officers, police patrol drivers and women protective officers shall include the same amount of adjustment as that used in fixing the rates of compensation for the fourth year of service for the same class;

(c) for said members of the police department other than police officers, police patrol drivers and women protective officers shall include the same per cent of adjustment as that established by said ordinance for police officers in the fourth year of service; and

(d) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The rates of compensation set forth in the budget estimates, the budget and the annual salary ordinance shall be those fixed by the board of supervisors as in this section provided and appropriations therefor shall be based thereon.

Not later than the 1st Monday of August of each year, the civil service commission shall survey and certify to the board of supervisors the rates of compensation paid police officers or patrolmen on the first day of August of that year in the cities hereinbefore referred to. The board of supervisors shall thereupon have the power by ordinance to revise all of the rates of compensation as in this section provided. Said revised rates shall be effective from the first day of July of the then current fiscal year.

If the board of supervisors revises said rates of compensation, then it shall, not later than the 25th day of August of the then current fiscal year, have the power, and it shall be its duty, subject to the fiscal provisions of the charter, but without reference or amendment to the annual budget, to amend the annual salary ordinance and the annual appropriation ordinance to include the provisions necessary for paying the rates of compensation fixed by the board of supervisors as in this section provided for the then current fiscal year.

The expression "rates of compensation," as used in this section in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences of any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation."

Working benefits and premium pay differentials of any type shall be allowed or paid to members of the police department referred to herein only as is otherwise provided in this charter.

For all purposes of the retirement system, the expression "rates of compensation" as used in this section, shall mean "salary attached to the rank" as used in section 166 and, with the addition of fifteen dollars per month now provided in section 35.5.2 of the charter with respect to members assigned to two-wheel motorcycle traffic duty, shall also mean "compensation earnable" as used in section 168.1.1

The term "police officers or patrolmen" as used in this section shall mean the persons employed in the police departments of said cities of 100,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by police officers, police patrol drivers and women protective officers in the San Francisco police department.

Section 35.5.2. Not later than the fifteenth day of February of each year the civil service commission shall survey, and certify to the board of supervisors, any additional rate of pay paid to members assigned to two-wheel motorcycle traffic duty in the respective police department of all cities of 100,000 population or over in the State of California, based upon the latest decennial census.

Not later than the first day of April of each year the board of supervisors shall have power, and it shall be its duty by ordinance to fix the additional rate of pay for the members of the police department who are assigned to two-wheel motorcycle traffic duty, at a rate of pay not to exceed the highest

rate of compensation paid to members assigned to two-wheel motorcycle traffic duty in the cities included in the certified report of the civil service commission.

Not later than the 1st Monday of August of each year the civil service commission shall survey and certify to the board of supervisors any additional rate of pay to be paid to members assigned to two-wheel motorcycle traffic duty on the first day of August of that year in the cities hereinbefore referred to.

The board of supervisors shall thereupon have the power by ordinance to revise the additional rate of pay as in the section provided. Said revised rates shall be effective from the first day of July of the then current fiscal year.

If the board of supervisors revises said additional rate of pay then, it shall, not later than the 25th day of August of the then current fiscal year, have the power, and it shall be its duty, subject to the fiscal provisions of the charter, but without reference or amendment to the annual budget, to amend the annual salary ordinance and the annual appropriation ordinance to include the provisions necessary for paying the additional rate of pay for members assigned to two-wheel motorcycle traffic duty fixed by the board of supervisors as in this section provided for the then current fiscal year.

Said additional rate of pay shall be in addition to the rate of compensation provided for in section 35.5.1 of this charter.

In no event shall the additional rate so fixed be less than $15.00 per month.

Section 36.2. Not later than the 15th day of February of each year, the civil service commission shall survey and certify to the board of supervisors rates of compensation paid firemen employed in the respective fire departments in all cities of 100,000 population or over in the State of California, based upon the latest federal decennial census.

Not later than the first day of April of each year, the board of supervisors shall have the power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the fire department whose annual compensations are set forth or otherwise provided in sections 36 and 38.1 of this charter, and said rates shall be in lieu of said annual compensations and shall be effective on the first day of July next following.

The rates of compensation, fixed in said ordinance,

(a) for the fourth year of service and thereafter for firemen shall not exceed the highest rate of compensation paid firemen in regular service in the cities included in the certified report of the civil service commission;

(b) for the first, second and third year of service for firemen shall include the same amount of adjustment as that used in fixing the rates of compensation for the fourth year of service for the same class;

(c) for said members of the fire department other than firemen shall include the same per cent of adjustment as that es-

tablished by said ordinance for firemen in the fourth year of service; and

(d) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The rates of compensation set forth in the budget estimates, the budget and the annual salary ordinance shall be those fixed by the board of supervisors as in this section provided and appropriations therefor shall be based thereon.

Not later than the 1st Monday of August each year, the civil service commission shall survey and certify to the board of supervisors the rates of compensation paid firemen on the first day of August of that year in the cities hereinbefore referred to. The board of supervisors shall thereupon have the power by ordinance to revise all of the rates of compensation as in this section provided. Said revised rates shall be effective from the first day of July of the then current fiscal year.

If the board of supervisors revises said rates of compensation, then it shall, not later than the 25th day of August of the then current fiscal year, have the power, and it shall be its duty, subject to the fiscal provisions of the charter, but without reference or amendment to the annual budget, to amend the annual salary ordinance and the annual appropriation ordinance to include the provisions necessary for paying the rates of compensation fixed by the board of supervisors as in this section provided for the then current fiscal year.

The expression "rates of compensation" as used in this section, in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences of any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation".

Working benefits and premium pay differentials of any type shall be allowed or paid to members of the fire department referred to herein only as is otherwise provided in this charter.

For all purposes of the retirement system, the expression "rates of compensation," as used in this section shall mean "salary attached to the rank" as used in section 169 and "compensation earnable" as used in section 171.1.1.

The term "firemen" as used in this section shall mean the persons employed, in the fire departments of said cities of 100,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by drivers, stokers, tiller-

men, truckmen, or hosemen, in the San Francisco fire department.

The expression "members of the fire department" does not include members of the fire commission.

PROPOSITION G

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 151.3.1 thereto relating to compensation for platform employees and coach and bus operators of the Municipal Railway.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1967, a proposal to amend the charter of said city and county by adding Section 151.3.1 thereto, reading as follows:

Compensations of Platform Employees and Coach and Bus Operators of the Municipal Railway.

Section 151.3.1. Notwithstanding the provisions of section 151.3 or any other provisions of this charter, the wages, conditions and benefits of employment as provided for in this section of the various classifications of employment of platform employees and coach or bus operators of the municipal railway as compensation, shall be determined and fixed annually as follows:

(a) On or before the first Monday of August of each year, the civil service commission shall certify to the board of supervisors for each classification of employment the average of the two highest wage schedules in effect on July 1st of that year for comparable platform employees and coach or bus operators of other surface street railway and bus systems in the United States operated primarily within municipalities having each a population of not less than 500,000 as determined by the then most recent census taken and published by the director of the census of the United States, and each such system normally employing not less than four hundred (400) platform employees or coach or bus operators, or platform employees, coach and bus operators.

(b) The board of supervisors shall thereupon fix a wage schedule for each classification of platform employees and coach and bus operators of the municipal railway which shall be not in excess of the average of the two highest wage schedules so certified by the civil service commission for each such classification.

(c) When, in addition to their usual duties, such employees are assigned duties as instructors of platform employees or coach or bus operators they shall receive twenty (20¢) cents per hour in addition to the rate of pay to which they are otherwise entitled under the wage schedule as herein provided.

(d) The rates of pay fixed for platform employees and coach and bus operators as herein provided shall be effective from July 1st of the year in which such rates of pay are certified by the civil service commission.

(e) The terms wage schedule and wage schedules wherever used in this section are hereby defined and intended to include only the maximum rate of pay provided in each such wage schedule.

(f) At the time the board of supervisors fixes the wage schedule as provided in (b) above, the board of supervisors may fix as conditions and benefits of employment other than wages as compensation for platform employees and coach or bus operators of the municipal railway, conditions and benefits not to exceed those conditions and benefits granted by collective bargaining agreements to the comparable platform employees and coach or bus operators of the two systems used for certification of the average of the two highest wage schedules by the civil service commission. The board of supervisors may establish such conditions and benefits notwithstanding other provisions or limitations of this charter, with the exception that such conditions and benefits shall not involve any change in the administration of, or benefits of the retirement system, health service system or vacation allowances as provided elsewhere in this charter. For all purposes of the retirement system as related to this section, the word "compensation" as used in section 165.2 of this charter shall mean the "wage schedules" as fixed in accordance with paragraphs (a) and (b) above, including those differentials established and paid as part of wages to platform employees and coach and bus operators of the municipal railway, but shall not include the value of those benefits paid into the fund established as herein provided. Provided that when in the two systems used for certification as provided above, vacation, retirement and health service benefits are greater than such similar benefits provided by this charter for platform employees, coach or bus operators of the municipal railway, then an amount not to exceed the difference of such benefits may be converted to dollar values and the amount equivalent to these dollar values shall be paid into a fund. The fund shall be established to receive and to administer said amounts representing the differences in values of the vacation, retirement and health service benefits, and to pay out benefits that shall be jointly determined by representatives of the city and county government and the representatives of the organized platform employees and coach and bus operators of the municipal railway. The civil service commission shall adopt rules for the establishment and general administration of the fund as herein provided. Such rules shall provide for a joint administration of the fund by representatives of the city and county government, which shall include representatives of the public utilities commission and representatives of the organized platform employees, coach and bus operators of the municipal railway. Such rules may provide a procedure for final and binding

arbitration of disputes which may arise between representatives of the city and county government and the representatives of the organized platform employees and coach and bus operators of the municipal railway. Such rules shall provide that all investments of the fund shall be of the character legal for insurance companies in California. Such rules and any amendments thereto shall be effective upon approval by the board of supervisors by ordinance.

(g) Not later than the 25th day of August, the board of supervisors shall have power and it shall be its duty, subject to the fiscal provisions of the charter but, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance as necessary to include the provisions for paying the rates of compensation and conditions and benefits other than wages fixed by the board of supervisors as in this section provided for platform employees and coach or bus operators for the then current fiscal year.

On recommendation of the civil service commission the board of supervisors shall establish a rate of pay for trainee platform men and bus or coach operators at a level reflecting the current labor market but below the basic hourly rate for motorman, conductor and bus operator.

This amendment shall become effective on July 1, 1968.

PROPOSITION H

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said City and County by amending Section 145.01 relating to time of war.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on November 7, 1967, a proposal to amend the charter of said City and County by amending Section 145 01 thereof to read as follows:

Time of War

Section 145 01. In the administration hereafter of the provisions of section 145 of this charter, the terms army, navy or marine corps of the United States shall be deemed to include the army, the air corps, the navy, the marine corps, and the coast guard of the United States, and for the purpose of determining whether any person was mustered into, or served in, the army, the air corps, the navy, the marine corps, or the coast guard of the United States, in time of war, the expression, time of war, shall include the following periods of time:

(a) The period of time from the commencement of a war as shown by any declaration of war of the Congress of the United States, or by any statute or resolution of the Congress a purpose of which is to declare in any manner the existence

of a state of war, until the time of termination thereof by any truce, treaty of peace, cessation of hostilities, or otherwise.

(b) The period of time during which the United States is or has been engaged in active military operations against any foreign power, whether or not war has been formally declared.

(c) The period of time during which the United States is or has been assisting the United Nations or any nation or nations in accordance with existing treaty obligations, in active military operations against any foreign power, whether or not war has been formally declared.

(d) The period of time during which the United States is engaged in a campaign or expedition in which a medal has been authorized by the government of the United States; provided, however, that no person shall be eligible for the benefits provided for veterans in section 145 unless he shall have been eligible to receive such a medal.

PROPOSITION K

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said City and County by amending Section 61 relating to appointment by the Director of Public Health of an administrator of San Francisco General Hospital.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1967, a proposal to amend the Charter of said city and county by amending Section 61 thereof to read as follows:

Administrative Departments Under Chief Administrative Officer

Section 61. From and after twelve o'clock noon on the 8th day of January, 1932, the functions, activities and affairs of the city and county that are hereby placed under the direction of the chief administrative officer by the provisions of this charter, and the powers and duties of officers and employees charged with specific jurisdiction thereof, shall, subject to the provisions of section 2 and section 20 of this charter, be allocated by the chief administrative officer, among the following departments:

Department of Finance and Records, which shall include the functions and personnel of the offices of tax collector, registrar of voters, recorder, county clerk and public administrator, and shall be administered by a director of finance and records who shall be appointed by the chief administrative officer and hold office at his pleasure. The public administrator shall appoint and at his pleasure may remove an attorney. He may also appoint such assistant attorneys as may be provided by the budget and annual appropriation ordinance.

Purchasing Department, which shall include the functions and personnel of the bureau of supplies, the operation of central stores and warehouses, and the operation of central garages and shops, and shall be administered by the purchaser of supplies who shall be appointed by the chief administrative officer and shall hold office at his pleasure.

Real Estate Department, which shall include the functions and personnel of office of the right-of-way agent as established in the bureau of engineering at the time this charter shall go into effect, and also the control, management and leasing of the exposition auditorium.

Department of Public Works, which shall include the functions and personnel of the department of public works, as established at the time this charter shall go into effect, with the exception of functions and personnel which are established by this charter under the management, direction and control of the public utilities commission, and which department shall also include the functions and personnel of the telephone exchange. This department shall be administered by the director of public works, who shall be appointed by the chief administrative officer and shall hold office at his pleasure.

Department of Electricity, which shall include the functions and personnel of the department of electricity as established at the time this charter shall go into effect. The department shall be administered by a chief of department who shall, from and after twelve o'clock noon on the 8th day of January 1932 have the powers and duties of the joint board of fire and police commissioners composing the joint commission in charge of the department of electricity, at which time the joint commission shall be abolished.

The premises of any person, firm or corporation may, for the purpose of police or fire protection, be connected with the police or fire signal or telephone system of the city and county upon paying a fair compensation for such connection and the use of the same, provided that any such connection shall require the approval of the chief of the department of electricity and shall not in any way overload or interfere with the proper and efficient operation of the circuit to which it is connected. The conditions upon which such connection shall be made and the compensation to be paid therefor shall be fixed by the board of supervisors by ordinance upon the recommendation of the chief of the department.

Department of Public Health, which shall include the functions, institutions and personnel of the department of public health as existing at the time this charter shall go into effect. Said department shall be administered by a director of health, who shall be a regularly licensed physician or surgeon in the State of California, with not less than ten years' practice in his profession immediately preceding his appointment thereto. He shall be appointed by the chief administrative officer and shall hold office at his pleasure, provided that the incumbent health officer at the time this charter shall go into effect shall

be deemed appointed to such office. The director of public health shall have and continue the powers and duties of the health officer and the board of health, from and after twelve o'clock noon on the 8th day of January 1932 at which time the terms of members of said board shall terminate, and such board as theretofore existing shall be abolished.

The chief administrative officer shall have power to appoint and to remove an assistant director of public health for hospital services, who shall be responsible for the administrative and business management of the institutions of the department of public health, including, but not limited to, the San Francisco General Hospital, Laguna Honda Home, Hassler Health Home, and the Emergency Hospital Service, and who shall be exempt from the civil service provisions of the charter. The position of assistant director of public health for hospital services shall be held only by a person who possesses the educational and administrative qualifications and experience necessary to manage the institutions of the department of public health.

The director of public health shall have power to appoint and remove an administrator of San Francisco General Hospital, who shall be exempt from the civil service provisions of the charter, provided that the person who has performed the duties of administrator continuously for one year immediately prior to the effective date of this amendment and who on said date shall be performing said duties shall be deemed appointed to such position and shall not be subject to removal except for cause under the procedures set forth in section 154 of the charter. The position of administrator shall be held only by a physician or hospital administrator who possesses the educational and administrative qualifications and experience necessary to manage the San Francisco General Hospital.

Health Advisory Board. There is hereby created a health advisory board of seven members, three of whom shall be physicians and one a dentist, all regularly certificated. Members of the board shall serve without compensation. They shall be appointed by the chief administrative officer for terms of four years; provided, however, that those first appointed shall classify themselves by lot so that the terms of one physician and one lay member shall expire in 1933, 1934 and 1935, respectively, and the term of one member in 1936.

Such board shall consider and report on problems and matters under the jurisdiction of the department of public health and shall consult, advise with and make recommendations to the director of health relative to the functions and affairs of the department. The recommendations of such board shall be made in writing to the director of health and to the chief administrative officer.

Coroner's Office, which shall include the functions and personnel of the existing office of coroner as established at the time this charter shall go into effect.

County Agricultural Department, which shall be administered by a county agricultural commissioner and shall in-

clude functions established by state law and those assigned to it by or in accordance with provisions of this charter.

Department of Weights and Measures, which shall include the functions and personnel of the office of sealer of weights and measures as established at the time this charter shall go into effect.

State of California
City and County of San Francisco } ss

This is to certify that we, Peter Tamaras, President of the Board of Supervisors of the City and County of San Francisco, and Robert J. Dolan, Clerk of the Board of Supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said city and county at a general municipal election held on Tuesday, the seventh day of November, One Thousand Nine Hundred and Sixty-seven; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this twenty-first day of December, One Thousand Nine Hundred and Sixty-seven.

PETER TAMARAS
(SEAL) President of the Board of Supervisors of the City and County of San Francisco

ROBERT J. DOLAN
Clerk of the Board of Supervisors
of the City and County of San Francisco

Approved as to form:
THOMAS M. O'CONNOR
City Attorney

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the Charter of the City and County of San Francisco

RESOLUTION CHAPTER 2

Assembly Concurrent Resolution No. 4—Relative to the Stanford University heart transplant operation.

[Filed with Secretary of State January 17, 1968]

WHEREAS, On January 6 the Stanford Medical Center under the direction of Dr. Norman E. Shumway, professor and head of the Division of Cardiovascular Surgery, transplanted the heart of Mrs. Charles White, a Santa Clara housewife, into Mike Kasperak, an East Palo Alto retired steelworker; and

WHEREAS, Dr. Norman E. Shumway received his medical degree from Vanderbilt University and his doctorate from the University of Minnesota, was a special trainee at the National Heart Institute of the University of Minnesota, and came to Stanford University School of Medicine in 1958 where he has been a leader in cardiovascular surgery and a pioneer in heart transplant surgery, developing many of the theories and techniques used on January 6; and

WHEREAS, The surgery team which removed the heart of Mrs. Charles White shortly after her death due to a massive brain hemorrhage included Dr. William Angell, Dr. Albert B. Iben, Dr. Cree Pillsbury, Dr. Thomas Smith, Dr. Kenneth M. Janis, and David B. Sedlacek, senior laboratory technician in cardiovascular surgery; and

WHEREAS, The surgery team which transplanted Mrs. White's heart for the damaged heart of Mike Kasperak included Dr. Shumway, Dr. Edward Stinson, Dr. Pat Daily, Dr. Denver Nelson, Dr. Ray Stofer, and Dr. Charles Whitcher; and

WHEREAS, The present care of Mike Kasperak is under the direction of Dr. Donald C. Harrison, and Dr. Martin Robinson, the personal doctor of Mike Kasperak; and

WHEREAS, The operation was completed with exceptional skill and dedication by all of those participating and marks a crucial milestone in man's constant battle to preserve and protect life; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their admiration to Dr. Shumway, the staff of the Stanford University Medical Center, the participating doctors, and the many aides who have participated in the heart transplant operation and in the care of Mike Kasperak and extend well-earned congratulations to them for their outstanding work; and be it further

Resolved, That the members extend their sympathy to Mr. Charles White and his children, Judy and Rickey, at the death of Virginia White, wife and mother, and express their respect and admiration for their selfless decision in suggesting and finally approving the donation of Mrs. White's heart so that another person might live; and be it further

Resolved, That the members extend their congratulations to Mike Kasperak on his added days of life and commend him and his wife, Ferne, for their courageous decision to go forward with the operation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Dr. Norman E. Shumway, the Stanford University Medical Center, Mr. Charles White, and Mr. and Mrs. Mike Kasperak.

RESOLUTION CHAPTER 3

Assembly Concurrent Resolution No. 6—Approving amendments to the Charter of the City of Sacramento, County of Sacramento, State of California, ratified by the qualified electors of the city at a regular municipal election held therein on November 7, 1967.

[Filed with Secretary of State January 17, 1968.]

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of amendments to the Charter of the City of Sacramento, County of Sacramento, State of California, as hereinafter set forth in the certificate of the mayor and clerk of the city as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

State of California
County of Sacramento } ss
City of Sacramento

We, the undersigned, Richard H. Marriott, Mayor of the City of Sacramento, State of California, and Elmer C. Cleveland, City Clerk of said City, do hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been, ever since the year 1921, organized, existing, and acting under a freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the majority of the qualified electors of said City at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on January 24, 1921. (Statutes of 1921, page 1919)

That in accordance with the provisions of Article XI of Section 8 of the Constitution of the State of California, the

City Council of the City of Sacramento, being the legislative body thereof, on its own motion duly and regularly submitted to the qualified electors of the City of Sacramento two propositions for the amendment of the Charter of the City of Sacramento at the regular municipal election held within the City on November 7, 1967. That said propositions were designated as "Measure B. Retirement Cost of Living," and "Measure C, Financial Provisions."

In accordance with the provisions of Section 8 of Article XI, of the Constitution of the State of California, and the Charter of the City of Sacramento the said proposed amendments were published and advertised in full, on September 28, 1967, in the Sacramento Union, a daily newspaper of general circulation, printed and published in the City of Sacramento, the official newspaper of said City of Sacramento The foregoing is shown by the affidavit of publication on file in the office of the City Clerk.

That copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Sacramento within the time and manner required by law.

And until the date fixed for the Regular Municipal Election, November 7, 1967, as hereinafter set forth, there was published in said Sacramento Union an advertisement stating that copies of said proposed charter amendments could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said City at all times, to and including November 7, 1967, the date fixed for said Regular Municipal Election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Sacramento, and in the manner provided by law, the said Regular Municipal Election was duly and regularly held in said City on November 7, 1967, after due notice was given and published on September 28, 1967, which said last aforementioned day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendment in the Sacramento Union, the official newspaper of said City of Sacramento. That at said election, a majority of the qualified electors voting upon the proposed charter amendments voted in favor of Measure B (Retirement Cost of Living) and in favor of Measure C (Financial Provisions), and ratified the same.

That thereafter the Board of Supervisors of Sacramento County did in the manner provided by law, duly and regularly cause the canvass of the returns of said election and report the results thereof to the City Council. That the City Council

did adopt a resolution approving the results of the canvass of the returns of said election, and did also by said resolution, find, determine and declare that certain proposed amendment designated as Measure B (Retirement Cost of Living) and that certain proposed amendment designated as Measure C (*Financial Provisions*) to the Charter of the City of Sacramento, as hereinafter set forth, were ratified by a majority vote of the electors of said City voting thereon.

That as to said amendments to the Charter of Sacramento, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the said amendments to the Charter of the City of Sacramento so ratified by the qualified electors of said City are as follows:

Measure B

To add Section 175 29 to Article XX of the Charter of the City of Sacramento, to read as follows:

Sec. 175 29 Cost of Living Adjustment

(a) Notwithstanding any other provision of this Article, and subject to the provisions of this Section, as of July 1, of each year, commencing with the year 1968, every monthly allowance payable to or on account of any person who has retired or died or who shall retire or die as a member of the retirement system and whose retirement or death occurred prior to July 1 of the preceding year, shall be increased or decreased by a percentage of the total allowance then being received which shall approximate, to the nearest one-tenth of one percent, the percentage of annual increase or decrease in the cost of living during the preceding calendar year, as determined by the retirement board in the manner provided in this section; provided, that such increase or decrease shall not exceed two percent of any allowance in any year, regardless of the percentage of change in such cost of living.

(b) Determination of the percentage of annual increase or decrease in the cost of living shall be made by the retirement board on or before April 1, of each year by reference to the current Bureau of Labor Statistics' Consumers' Price Index for the Sacramento area. The percentage by which such index for the more recent full calendar year shall have increased or decreased over or below such index for the full calendar year immediately prior thereto shall be the percentage used to calculate adjustments in retirement allowances pursuant to subsection (a) of this section

(c) The amount of any cost of living increase or decrease in any year which is in excess of the maximum annual allowance adjustment of two percent provided in subsection (a)

of this section shall be accumulated from year to year and included in the computation of increases or decreases in succeeding years. The provisions of this subsection shall be applied to the allowance of individual beneficiaries by classes based upon the fiscal year in which the member retired or died, so that each allowance shall have applied to it only such increase or decrease as shall have accumulated during or after the fiscal year in which the member retired or died. The allowances payable to or on account of any retired or deceased person whose retirement or death shall have occurred prior to July 1, 1967, shall be grouped in the first such class.

(d) No allowance shall be reduced by operation of this section below the amount payable at the time of retirement or upon the effective date of this section, July 1, 1968.

(e) Such increases in allowances as shall be payable pursuant to this section shall be funded insofar as possible from moneys in the contingency reserve of the retirement system which are in excess of three percent of the total assets of the retirement system on July 1, 1968, and by such money from such contingency reserve as shall be determined by the retirement board as of June 30, of each year thereafter from any moneys in excess of three percent of the total assets of the retirement system as of that date. Any additional money required for such increases shall be provided by equal contributions from the contributing members of the system and from the City of Sacramento, at rates fixed by the retirement board as it shall determine to be necessary, and to be designated "cost of living contributions." The individual members' contributions shall be graded in proportion to the member's normal contribution.

(f) Cost of living contributions of members shall be credited with regular interest and the accumulation of such contributions and interest shall be deemed a part of their accumulated contributions for the purposes of refund, and for the purpose of computing the death benefit under Sections 175.6 and 175.20 of this article. Cost of living contributions of members shall not be refunded after retirement, whether or not any cost of living increases are paid hereunder.

(g) A separate accounting shall be maintained of the accumulations of such contributions and the interest thereon, and such accumulations shall not be included in the accumulated contributions of the member in the computation of any retirement allowance.

(h) There shall be paid to the retirement system, during each fiscal year, cost of living contributions of the City in a total amount equal to the total of the cost of living contributions of members contributed to the system during that fiscal year. The controller shall transfer to the system, during

each fiscal year, from the budget appropriation thereof, the amount of the City's annual cost of living contribution for that year; provided, however, that any portion of such annual contribution which is payable on account of any member while employed in the operation of any municipally-owned self-supporting department shall be paid from the funds of such department's budget.

(i) The payments of the City provided for in this section are hereby made obligations of the City, the funds necessary therefor to be appropriated and provided in the manner specified for appropriating and providing other City contributions to the retirement system.

Measure C

To amend Section 15 of Article III of the Charter of the City of Sacramento, to read as follows:

Sec. 15 Financial Provisions

To levy and collect taxes and to provide for the expenditure of the money so raised according to law; to make and execute, on behalf of the City, all contracts involving the expenditure of one thousand dollars ($1,000.00) or more, except as may be otherwise provided in this Charter; to fix the fees and charges for all official services not otherwise provided for in this Charter; provided that all money collected for such services shall be paid into the city treasury; to provide for the leasing of any lands or any interest therein of any nature, including, without limitation, either surface or subsurface rights or both, now or hereafter owned by the city or held in trust by the city for a term not exceeding 55 years or for such longer term as may be allowed by general State law, but all leases shall be granted to the highest responsible bidder, after publication of notice thereof for at least four days, stating the terms and conditions of such proposed lease, the City Council having the right to reject any and all such bids; to provide for the purchase of property levied upon or sold under execution in favor of the City, but the amount bid on such purchase shall not exceed the amount of the judgment, interest and costs; to order the repayment by the treasurer of any taxes, percentages and costs, or other moneys erroneously or illegally collected by the City; to provide for the sale, after advertising for four days, of personal property unfit or unnecessary for the use of the City.

We further certify that we have compared the foregoing ratified amendments to the Charter of the City of Sacramento with the original proposals submitted to the electors of said City, and find that the foregoing is a full, true, and correct and exact copy of such amendments.

In witness whereof, we have hereunto set our hands and caused the Seal of said City of Sacramento to be affixed hereto on January 3, 1968

(SEAL)

RICHARD H. MARRIOTT
Mayor
City of Sacramento
ELMER C. CLEVELAND
City Clerk
City of Sacramento

Approved as to form:
JOSEPH E. COOMES, JR.
City Attorney

and

WHEREAS, Said proposed amendments to the Charter of the City of Sacramento as ratified by a majority of the electors voting thereon at said election on November 7, 1967, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the Charter of the City of Sacramento, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as part of, the Charter of the City of Sacramento.

RESOLUTION CHAPTER 4

Assembly Concurrent Resolution No. 9—Relative to Ukrainian Independence Day.

[Filed with Secretary of State January 24, 1968]

WHEREAS, The greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people even though they stem from the most diverse racial, religious and ethnic backgrounds; and

WHEREAS, Since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and

WHEREAS, January 22, 1968, will mark the 50th anniversary of the formation of the free and independent Ukrainian National Republic; and

WHEREAS, Congress of the United States, through Public Law 86-90, has designated Ukraine, a member of the United Nations, as a captive nation of the imperialistic Communist Russia; and

WHEREAS, Ukraine, the largest non-Russian nation of 45,000,000 people in Eastern Europe, was integrated into the USSR in 1923 without all the privileges of an independent republic, but the love of freedom lives on in the hearts of the Ukrainian people, whose heroic resistance to tyranny continues unabated; and

WHEREAS, Americans of Ukrainian descent, during the World Congress of Free Ukrainians in November 1967, protested the latest wave of Communist terror and oppression against Ukrainian writers and intellectuals, because of their demands for freedom of expression, as well as against the continuous destruction of Ukrainian national cultural heritage; and

WHEREAS Californians of Ukrainian descent are loyal citizens of the United States and continue their vigilance against Communist aggression by sharing their knowledge and by participating in the cultural and economic development of this golden State of California; and

WHEREAS, The submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their religious freedoms and individual liberties; and

WHEREAS, The desire for liberty and independence by the overwhelming majority of the people of the submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

WHEREAS, It is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the State of California share with them aspirations for the recovery of their freedom and independence; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge Governor Ronald Reagan to proclaim January 22, 1968, as Ukrainian Independence Day throughout this state, and invite all citizens to observe this day through appropriate ceremonies and call upon them to give renewed devotion to the just aspirations of all people for national independence and human liberty; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Reagan.

RESOLUTION CHAPTER 5

Assembly Concurrent Resolution No. 2—Relative to Industrial Safety Week.

[Filed with Secretary of State January 25, 1968.]

WHEREAS, The strength of our economy lies in those men and women whose labors result in the products of agriculture, business, and industry; and

WHEREAS, The preservation of the health, safety, and well-being of this labor force is necessary to the continued growth of this, the largest state in the nation, its productivity and prosperity; and

WHEREAS, The Department of Industrial Relations and its Division of Industrial Safety will conduct, on February 7th and 8th, the Industrial Safety Conference, wherein representatives of management, labor, and the public will meet to further advance California's outstanding performance in industrial safety achievements; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of February 4 through 10 is hereby proclaimed Industrial Safety Week and the members urge all Californians to recognize and follow good safety practices all this week and all the remaining weeks of this year; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Department of Industrial Relations.

RESOLUTION CHAPTER 6

Senate Concurrent Resolution No. 11—Relative to proclaiming February 11–17 as Electrical Week.

[Filed with Secretary of State January 29, 1968.]

WHEREAS, One of the keys to the growth of California has been the availability of a supply of cheap and plentiful electricity; and

WHEREAS, The development and growth of the electrical industry have contributed substantially to the human betterment and the strength and prosperity of California; and

WHEREAS, Through extensive research and continuing improvements the electrical industry has illuminated the way to new advances in daily life and economic progress of California; and

WHEREAS, Electricity, the silent servant, has emancipated the worker and the housewife from the physical drudgery of their everyday tasks and pointed the way for a brighter tomorrow; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members do request Governor Reagan to proclaim the week of February 11–17, 1968, as Electrical Week and urge all the citizens to participate in this significant occasion; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to Governor Reagan and a suitably prepared copy of this resolution to Mr. O. S. Simpson, President of the Electric and Gas Industries Association.

RESOLUTION CHAPTER 7

Assembly Concurrent Resolution No. 11—Relative to Active 20-30 International Week.

[Filed with Secretary of State January 29, 1968]

WHEREAS, Active 20-30 International is a young men's service organization devoted to helping children disadvantaged from either medical or economic circumstances; and

WHEREAS, The objectives of Active 20-30 are to develop young men, by precept and example, into a more intelligent, aggressive and serviceable citizenship, and to create in them a desire to participate actively in civic and welfare work in the community; and

WHEREAS, Active 20-30 International was formed in 1960 by the merger of Active International, founded in Aberdeen, Washington, in 1922, and 20-30 International, founded in Sacramento, California, in 1922; and

WHEREAS, Active 20-30 International has over 200 member clubs throughout North and South America, having main offices in Sacramento, California, and in Mexico City, Mexico; and

WHEREAS, Its motto is "A man never stands so tall as when he kneels to help a child"; and its emblem is an hourglass, symbolizing the passing of time and the urgency of the cause, enclosed within a buzzsaw, symbolizing the vigor and enthusiasm of youth and its power to cut away the shrouds of despair; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge Governor Ronald Reagan to name the week of February 12–18, 1968, as Active 20-30 International Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Reagan and to Active 20-30 International.

RESOLUTION CHAPTER 8

Assembly Concurrent Resolution No. 15—Relative to Value Engineering Week.

[Filed with Secretary of State January 31, 1968.]

WHEREAS, The resources at our disposal for solving the increasingly complex social and technical problems of our society must be utilized wisely and for maximum benefit; and

WHEREAS, Efforts to solve these problems should seek to provide a dollar's worth of value for every dollar spent in industry and government; and

WHEREAS, A field of endeavor known as value engineering has come about as a disciplined systematic approach for identifying and eliminating unnecessary cost; and

WHEREAS, The highly creative value engineering techniques developed so far have proven highly successful in pinpointing nonessential functions and eliminating unnecessary costs; and

WHEREAS, Value engineering is continuing to develop as a highly beneficial and necessary means of supplying goods and services to California citizens and the nation as a whole at the lowest possible costs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge Governor Ronald Reagan to issue a proclamation declaring the week of February 11 to 17, 1968, as Value Engineering Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 9

Assembly Concurrent Resolution No. 23—Relative to commending the electrical industry for its contributions to the economic progress of the state and asking the Governor to proclaim the week of February 11–17, 1968, as Electrical Week.

[Filed with Secretary of State January 31, 1968.]

WHEREAS, The development and growth of the electrical industry have contributed substantially to human betterment and the prosperity and strength of the State of California; and

WHEREAS, Through extensive research and continuing improvements, the electrical industry helps lead the way to new advantages in the daily life and the economic progress of California; and

WHEREAS, It is proper that a period of time be set aside to recognize the importance of the public service performed by

the electrical industry and to encourage the safe and efficient use of electricity and electrical equipment; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the electric industry for its significant contributions to the people of the state; and be it further

Resolved, That the members request the Governor to proclaim the week of February 11–17, 1968, as Electrical Week in recognition of the electrical industry's many achievements; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the Governor and to the International Brotherhood of Electrical Workers, District 9, the International Brotherhood of Electrical Workers, Local Union No. 340, the National Electrical Contractors Association, Inc., Ninth District, National Electrical Contractors Association, Inc., Sacramento Valley Chapter, Sacramento Wholesale Electrical Distributors, Sacramento Municipal Utility District, and the Sacramento Valley Electric League.

RESOLUTION CHAPTER 10

Senate Concurrent Resolution No. 10—Relative to the World Championship Crab Races.

[Filed with Secretary of State February 5, 1968.]

WHEREAS, Crescent City, California, on the eleventh day of February, 1968, will be the site of the World Championship Crab Races; and

WHEREAS, It is fitting and proper that an event of such magnitude shall be held in the center of California's important dungeness crab industry; and

WHEREAS, Crescent City has challenged all ports to enter their finest in the crab races and to participate in a magnificent crab feed sponsored by the Del Norte County Chamber of Commerce and the Crescent City American; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members congratulate Crescent City upon the occasion of the World Championship Crab Races and heartily commend the festivities to all Californians.

RESOLUTION CHAPTER 11

Senate Concurrent Resolution No. 12—Relative to proclaiming the week of February 4 through 10 as Children's Dental Health Week.

[Filed with Secretary of State February 5, 1968.]

WHEREAS, February 4 through 10 marks the 20th anniversary of the annual observation of National Children's Dental Health Week, sponsored by dentists and dental societies in thousands of communities throughout the nation; and

WHEREAS, Observance of this week is designed to impress the importance of good dental health upon the nation's youth; and

WHEREAS, The 1968 theme is "Grow Up Smiling"; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members request the Governor to proclaim the week of February 4 through 10 as "Children's Dental Health Week"; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 12

Assembly Concurrent Resolution No. 12—Relative to proclaiming the week of March 17 through 24 as DeMolay Week.

[Filed with Secretary of State February 7, 1968.]

WHEREAS, It has come to the attention of the Members of the Legislature that the Order of DeMolay is an outstanding international organization which has a notable record of molding its members into outstanding citizens and community leaders; and

WHEREAS, This fine organization, composed of young men ranging in age from 14 to 21 years, was founded by Frank S. Land during the year 1919, at Kansas City, Missouri; and

WHEREAS, Many prominent California citizens are among the more than three million persons who have become members of this fraternal order, which has more than 2,500 chapters located throughout the free world; and

WHEREAS, Every young man who has joined the Order of DeMolay has taken the vow and obligation of filial love, patriotism, courtesy, cleanness, fidelity, comradeship, and reverence; and

WHEREAS, All the DeMolay members in the State of California will observe the week of March 17 through 24, 1968, as "DeMolay Week"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legisla-

ture hereby request the Governor to proclaim the week of March 17 through 24 as "DeMolay Week"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 13

Assembly Concurrent Resolution No. 16—Relative to commending the City of Lakewood upon receiving grand sweepstakes prize at the 1968 Tournament of Roses.

[Filed with Secretary of State February 7, 1968.]

WHEREAS, Each year the judges of the Tournament of Roses award a grand sweepstakes prize for the most beautiful entry in the tournament; and

WHEREAS, The City of Lakewood entered a float entitled "Adventures in Roses" and this float featured large flowered bowls, gracefully curling scrolls, and a delicate orchid tree; and

WHEREAS, The magnificent use of more than 8,000 roses drew the attention of the judges; and

WHEREAS, Riding on the float were Sandra Lou Somesan, Miss Lakewood; Mary Jo Wagner, the Pan American Festival Queen; Deborah Graham, Junior Miss of the City of Lakewood; Shelia Patricia Miller, Mayfair High School's Homecoming Queen; and Toni Maddux, Lakewood High School's Homecoming Queen; and

WHEREAS, The beauty and splendid design of the float were recognized by the award of the greatly coveted grand sweepstakes prize; and

WHEREAS, In its 14 years of existence, the City of Lakewood has been awarded two grand sweepstakes prizes, nine first in class prizes, and two second in class prizes; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the City of Lakewood for entering a float of such beauty in the Tournament of Roses, and upon receiving the grand sweepstakes prize for that entry; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the City of Lakewood.

RESOLUTION CHAPTER 14

Assembly Concurrent Resolution No. 20—Relative to the Medi-Cal program study.

[Filed with Secretary of State February 7, 1968.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That notwithstanding the provisions of Assembly Concurrent Resolution No. 11 of the 1967 Second Extraordinary Session of the Legislature which directed the committee created by that resolution to report to the 1968 Legislature not later than January 31, 1968, the special joint legislative committee on Medi-Cal shall report to the 1968 Legislature not later than March 1, 1968.

RESOLUTION CHAPTER 15

Assembly Concurrent Resolution No. 29—Relative to commending the 146th Military Airlift Group (MAC) of the California Air National Guard.

[Filed with Secretary of State February 7, 1968.]

WHEREAS, The Members of the Assembly and Senate are gratified to learn that the 146th Military Airlift Group (MAC) of the California Air National Guard is singly honored by the United States Air Force by being named recipient of the Air Force Outstanding Unit Award; and

WHEREAS, This award, established by the Secretary of the Air Force to recognize outstanding achievement which clearly sets a unit above and apart from similar units, is made in this instance in recognition of the significant achievements of the 146th Military Airlift Group (MAC) of the California Air National Guard during 1 July 1965 to 30 June 1967; and

WHEREAS, This constitutes the third time a unit of the California National Guard has earned this distinguished award and thus brought honor to the people of California; and

WHEREAS, Brigadier General Arthur W. Cruikshank, Jr., Vice Commander, 22nd Air Force, representing the Secretary of the Air Force, will present the award at a ceremony on Sunday, February 4, 1968; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Assembly and Senate extend their congratulations and commendations to the 146th Military Airlift Group (MAC) of the California Air National Guard for its outstanding achievements; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the 146th Military Airlift Group (MAC) of the California Air National Guard.

RESOLUTION CHAPTER 16

Assembly Concurrent Resolution No. 21—Relative to National LULAC Week.

[Filed with Secretary of State February 9, 1968.]

WHEREAS, It has come to the attention of the Members of the Legislature that the League of United Latin-American Citizens (LULAC) was founded on February 17, 1929, at Corpus Christi, Texas; and

WHEREAS, LULAC has acted as guardian of the rights and liberty of its people and has paved the way, with education, to guarantee and safeguard these sacred rights; and

WHEREAS, LULAC has prepared its members to meet the new challenges and made them aware of the ever-changing problems of the American society and the continuing need for the preservation of the rights of all Americans, fostering the ideals of freedom, equality, peace, and unity; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby requests the Governor to proclaim the week which includes February 17th National LULAC Week to commemorate the founding of the League of United Latin-American Citizens; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and a suitably prepared copy to Mr. José Pacheco, California State Director of the League of United Latin-American Citizens.

RESOLUTION CHAPTER 17

Senate Concurrent Resolution No. 6—Relating to Industrial Education Week.

[Filed with Secretary of State February 13, 1968.]

WHEREAS, Industrial education in the California public schools includes industrial arts, vocational trade, and technical education, and is designed to educate youth and adults of our country to become useful citizens and productive skilled workers in business, industry, health services, and technical occupations; and

WHEREAS, Industrial education has made a major contribution to the economic and general well-being of the individual as well as to the economic development of our state and nation; and

WHEREAS, Industrial education has contributed substantially to meeting the needs for citizenship and for trained manpower in California; and

WHEREAS, Industrial education has played a significant role in the California public schools for over half a century and with full cooperation and support of business, industry, labor, management, and other facets of the California educational system; and

WHEREAS, Enrollment in industrial education programs in California is now over one million students, making California the national leader in this area of education; and

WHEREAS, More than 28,000 apprentices are presently enrolled in related instruction classes in California's public schools; and

WHEREAS, Local school districts in California have financially and philosophically supported and expanded programs of industrial education to provide for broader occupational experiences in business, industry, labor, and public services; and

WHEREAS, The California Association of Vocational Industrial Clubs of America has been chartered as the only state organization whose purpose is to serve vocational industrial youth in California; and

WHEREAS, Industrial education will continue to provide leadership in developing better citizens and more trained manpower to meet the needs of our changing technology; and

WHEREAS, The Bureau of Industrial Education, State Department of Education, is holding its 30th Annual Conference on Industrial Education in Santa Barbara on March 5, 6, and 7, 1968; and

WHEREAS, The California Industrial Education Association is holding its 39th Annual State Convention in Ventura on March 8 and 9, 1968; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature affirms its support for the objectives of industrial education; and be it further

Resolved, That the Governor is requested to issue a proclamation designating the week beginning March 4, 1968, as Industrial Education Week; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to Dr. Max Rafferty, Superintendent of Public Instruction, to Mr. Wesley P. Smith, State Director of Vocational Education, to Mr. Richard S. Nelson, Chief, Bureau of Industrial Education, and copies to members of the California Apprenticeship Council, and to members of the California Congressional Delegation.

RESOLUTION CHAPTER 18

Senate Concurrent Resolution No. 9—Relative to Skymark Airlines, Inc.

[Filed with Secretary of State February 13, 1968.]

WHEREAS, Skymark Airlines, Inc., is a California corporation formed for the purpose of transporting persons and property by air within the State of California; and

WHEREAS, Skymark Airlines has been approved by the California Public Utilities Commission to operate this intercity service with regular flight schedules connecting Sacramento, Fresno, Bakersfield, Monterey, San Jose, Oakland (San Francisco), and Lake Tahoe; and

WHEREAS, Skymark Airlines will inaugurate this service in early February and will be the first regularly scheduled airline service to be based in California's capital city; and

WHEREAS, Skymark Airlines will be the first California airline to provide a business/commuter service via STOL (short takeoff-landing) aircraft; and

WHEREAS, Skymark Airlines and its utilization of the STOL aircraft will prove a vital force in helping to meet and solve the pressing problems of airport congestion, soon to be aggravated even more by the advent of supersonic transports and the burgeoning air cargo business; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature extend sincere best wishes for success to the board of directors of Skymark Airlines and commendations to them for inaugurating this desirable and much-needed service; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Dr. Alvin Marks, president of Skymark Airlines, and to each member of the board of directors of Skymark Airlines.

RESOLUTION CHAPTER 19

Senate Concurrent Resolution No. 18—Relative to Puerto Ciudad de San Blas.

[Filed with Secretary of State February 13, 1968.]

WHEREAS, After enduring many tribulations, Governor Gaspar de Portolá and Father Junípero Serra began their history-making trek northward from San Blas, Narayit, Mexico, to the new city of San Diego; and

WHEREAS, This trek was to prove the establishment of 21 missions in Norte California, with the first taking place July 16, 1679, in San Diego; and

WHEREAS, Upon the foundation of this early exploration and pioneering, Californians have built the greatest state in the Union; and

WHEREAS, The California Legislature wishes to recognize this historic beginning in such a manner as to make everyone aware of our close relationship with the Mexican people; and

WHEREAS, The Puerto Ciudad de San Blas is the actual beginning of the overland trek and the exploration by sea that led to the Golden State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State of California does hereby designate Puerto Ciudad de San Blas as the "Port of Life of the State of California" and does hereby express to the people of San Blas, on behalf of the Legislature and the people of the State of California, the most sincere thanks and appreciation for their active participation in the 200th anniversary celebration of the State of California; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to San Diego 200th Anniversary, Inc., and to the people of Puerto Ciudad de San Blas

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RESOLUTION CHAPTER 20

Senate Concurrent Resolution No. 20—Relative to congratulating the Town of Felton on the occasion of its first centennial.

[Filed with Secretary of State February 13, 1968]

WHEREAS, The Town of Felton traces its origins back more than a century to the beginning of the lumbering operations of Isaac Graham on the old Zayante Rancho and the adjacent San Augustin Rancho granted by the Mexican government to Joseph L. Majors; and

WHEREAS, The Town of Felton, first known as Lime Kiln Town, was laid out at its present site in 1868 and renamed in honor of Charles N. Felton, later a U.S. Senator, who at the time was the lawyer for John A. Stanley, on whose land the town was situated; and

WHEREAS, The Town of Felton was the center of the rich lumbering industry of the San Lorenzo River Valley which contributed so much to the prosperity and progress of Santa Cruz County and the State of California; and

WHEREAS, The Town of Felton was the fair and radiant Queen City of the San Lorenzo Valley which, with its inspiring redwood groves, has become a beautiful residential and recreational area for thousands of Californians; and

WHEREAS, The Town of Felton is celebrating the first centennial of its existence in 1968; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members congratulate the Town of Felton on the occasion of its first centennial and extend best wishes to the people of the town for happiness and prosperity in the succeeding century; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the people of Felton through the Felton Business Men's Association.

RESOLUTION CHAPTER 21

Assembly Concurrent Resolution No. 5—Relative to continuance of the Joint Committee on Teacher Credentialing Practices.

[Filed with Secretary of State February 15, 1968]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1 The Joint Committee on Teacher Credentialing Practices created by Resolution Chapter 176 (A.C.R. 94), of the Statutes of 1967, is continued in existence, with authority to act during this session of the Legislature, including any recess, and after final adjournment until the 31st day of January, 1969, and with authority to file its final report not later than the fifth legislative day of the 1969 Regular Session.

2. In addition to that amount made available by Resolution Chapter 176 of the Statutes of 1967, the sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under Resolution Chapter 176 and this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 22

Assembly Concurrent Resolution No. 40—Relative to commending the 144th Fighter Group of the California Air National Guard.

[Filed with Secretary of State February 15, 1968]

WHEREAS, The Members of the Assembly and the Senate are gratified to learn that the 144th Fighter Group of the California Air National Guard is being signally honored by the United States Air Force by being named as recipient of the Air Force Outstanding Unit Award; and

WHEREAS, This award, established by the Secretary of the Air Force and given to recognize an outstanding achievement which clearly sets a unit above and apart from similar units, is being made in this instance in recognition of outstanding performance of the 144th Fighter Group during the period August 1, 1965, to May 31, 1967; and

WHEREAS, During this period, the 144th Fighter Group achieved an excellent rating in the 1966 annual Inspector General Inspection, with no major discrepancies reported; and

WHEREAS, The 144th Fighter Group has maintained an outstanding flying safety record over the last 8½ years by flying more than 50,000 accident-free jet hours with assigned pilots, without a reportable accident; and

WHEREAS, Major General James C. Jensen, Vice Commander, Air Defense Command, representing the Secretary of the Air Force and the Commander of the Air Defense Command, will present the award at a ceremony on Sunday, February 18, 1968; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members extend their congratulations and commendations to the 144th Fighter Group of the California Air National Guard for its outstanding achievement; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the 144th Fighter Group of the California Air National Guard.

RESOLUTION CHAPTER 23

Senate Concurrent Resolution No. 7—Relative to proclaiming Youth Temperance Education Week.

[Filed with Secretary of State February 20, 1968.]

WHEREAS, It has of late become increasingly apparent that the youth of California experiment with narcotics and hallucinatory and other dangerous drugs without knowing or understanding the dangers inherent in such experimentation; and

WHEREAS, The youth of California should be taught the effects of alcohol and tobacco on the human system; and

WHEREAS, It is imperative that an educational program be established so that youth may know the truth about tobacco, alcohol, narcotics, and hallucinatory and other dangerous drugs; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is requested to issue a proclamation designating the week beginning April 21, 1968, as "Youth Temperance Education Week," and inviting

the people of California to cooperate during that week with programs of temperance education; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 24

Senate Concurrent Resolution No. 8—Relative to the designation of February 16, 1968, as Spiritual Revolution Day.

[Filed with Secretary of State February 20, 1968.]

WHEREAS, In the past six years the crime rate has risen 62 percent, seven times as fast as the population, while in 1965, 71 percent of all arrests for serious crimes were in the 11-to-24 age group; and

WHEREAS, Spiritual Revolution Thru Christ, an organization of high school and college students, is organizing statewide "Youth Power Speak-Outs" to take a stand directing "youth power" toward a constructive building of our world; and

WHEREAS, All youth should not be judged by the irresponsible acts of those few who use narcotics, engage in delinquent behavior, and foster disrespect for law and order by involvement in illegal rioting and mob activities; and

WHEREAS, Spiritual Revolution Thru Christ is working to turn the tide of publicity from the youthful criminal, misfit, and drug addicts to those young who have made meaningful adjustments to life by asking the mass media to publicize the activities of those young people who are speaking out in word and deed for a spiritual and moral awakening among our youth; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members urge Governor Ronald Reagan to proclaim February 16, 1968, as Spiritual Revolution Day throughout this state and to call upon all citizens to join in its observance through appropriate ceremonies and programs, and to urge schools, churches, youth organizations, and the media of public information to participate in this observance; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to Governor Reagan and a suitably prepared copy to Richard Weaver, President of "Spiritual Revolution Thru Christ, Inc."

RESOLUTION CHAPTER 25

Assembly Concurrent Resolution No. 7—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State February 22, 1968]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That pursuant to Section 10201 of the Government Code, George H. Murphy is selected Legislative Counsel of California.

RESOLUTION CHAPTER 26

Assembly Concurrent Resolution No. 28—Relative to proclaiming the week of September 9 through September 15, 1968, as Capitola National Begonia Festival Week.

[Filed with Secretary of State February 22, 1968]

WHEREAS, It has come to the attention of the Members of the Assembly and Senate that the Capitola National Begonia Festival, an annual pageant of special interest to all flower lovers, will be held the week of September 9 through September 15, 1968, at Capitola-by-the-Sea; and

WHEREAS, The event had its inception in 1953 as the idea of Mrs. Pat Antonelli and Mrs. John Benias; and

WHEREAS, Under the nurturing of the Capitola Chamber of Commerce and the National Begonia Festival Association the event has blossomed into an elaborate and inspiring festival dedicated to the beautiful begonia; and

WHEREAS, The pageant is a testimonial to the marvelous "year-round" weather conditions of Capitola in which the delicate begonia develops in all its glory; and

WHEREAS, The theme of Capitola National Begonia Festival Week is "Begonias-by-the-Sea," and will be characterized by the pageantry of barges, adorned with varied colored begonia blossoms, floating in Soquel Lagoon, and is further highlighted by the selection of a Festival Queen; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members respectfully request the Governor of the State of California to proclaim September 9 to 15, 1968, as Capitola National Begonia Festival Week and to urge all Californians to attend the Capitola National Begonia Festival at Capitola-by-the-Sea; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor, and a suitably prepared copy of this resolution to the National Begonia Festival Association in Capitola-by-the-Sea.

RESOLUTION CHAPTER 27

Assembly Concurrent Resolution No. 34—Relative to the retirement of Monica O'Brien Goodgame.

[Filed with Secretary of State February 22, 1968]

WHEREAS, The Members of the Legislature have learned of the retirement on March 1, 1968, of Mrs. Monica O'Brien Goodgame, Secretary to the Fish and Game Commission, after an illustrious career of service to the State of California and to the Legislature; and

WHEREAS, Monica O'Brien Goodgame entered state service in 1944 as the supervisor of the clerical pool in the Legislative Counsel Bureau and in 1946 began to work for the Fish and Game Commission as the Secretary to the Executive Officer; and

WHEREAS, In 1953 she was appointed to the statutory position of Secretary to the Fish and Game Commission, and since that time has served with great distinction in that position; and

WHEREAS, Among her duties as Secretary to the Fish and Game Commission, she compiles the official edition of the Fish and Game Code and has done an outstanding job in fulfilling this as well as all of her responsibilities; and

WHEREAS, She is an active member of the Altrusa Club, a woman's service organization, and the Camellia City Toastmistress Club, having held all offices in the toastmistress club; and

WHEREAS, Over a period of many years Monica O'Brien Goodgame has rendered invaluable gracious service to the Legislature, legislative committees, and individual members, and has been of inestimable aid to the Legislature in all matters relating to the wildlife resources of California; and

WHEREAS, Monica O'Brien Goodgame, who has received two merit awards while in state service, has made a significant contribution to California fish and game administration, and her retirement will be a severe loss to the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend Monica O'Brien Goodgame on the occasion of her retirement as Secretary to the Fish and Game Commission and express their sincere appreciation for her important contributions to the Legislature, legislative committees, and individual members, as well as to the entire state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Monica O'Brien Goodgame.

RESOLUTION CHAPTER 28

Senate Concurrent Resolution No. 23—Relative to commemorating the 26th anniversary of the fall of Bataan and designating April 6th to April 13th as Bataan Week.

[Filed with Secretary of State February 26, 1968.]

WHEREAS, The 9th of April, 1968, marks the 26th anniversary of the fall of Bataan; and

WHEREAS, The fall of Bataan ended more than three months of heroic resistance, by the Luzon Force in which Philippine Scouts, Americans and regular Filipino Commonwealth Army members fought side by side under the command of Douglas MacArthur and Edward P. King and later Jonathan Wainwright, against a Japanese army ten times their number; and

WHEREAS, The tenacity of these dedicated soldiers forced the Japanese to alter their battle plan and commit more men and planes to the struggle than they had ever intended, thus holding up the fast-moving Japanese offensive which everywhere else had achieved phenomenal success and swept all resistance before them; and

WHEREAS, This tenacious defense gave new hope by demonstrating that the Japanese were not invincible even with odds heavily in their favor and that they could be stopped by determined men, ably led; and

WHEREAS, For an allied world surfeited on gloom, defeat, and despair, the epic of Bataan and Corregidor became a symbol of hope and a beacon for success in the future; and

WHEREAS, Many survivors of Bataan and Corregidor, including members of the famed Philippine Scouts and the 40th Tank Company of Salinas, still reside in California and each year mark the anniversary of this historic battle; and

WHEREAS, Their sacrifice in those dark hours continues to serve as an example to us, and a reminder that we must continue to stand steadfast in defense of freedom, as our young men are being called upon to do in Vietnam today, and as those brave men of Bataan did 26 years ago; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members respectfully request the Governor to proclaim April 6th through 13th as "Bataan Week" in commemoration of the 26th anniversary of the fall of Bataan and to enjoin all Californians to observe it appropriately; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor of California, and a suitably prepared copy of this resolution to the Philippine Scouts Association of America.

RESOLUTION CHAPTER 29

Assembly Concurrent Resolution No. 8—Relative to the Joint Interim Legislative Unemployment Insurance Committee.

[Filed with Secretary of State February 29, 1968.]

WHEREAS, In 1967 the Legislature recognized the need for a study of the California unemployment insurance laws; and

WHEREAS, The Joint Interim Legislative Unemployment Insurance Committee was thereby created by the Legislature through the adoption of Assembly Concurrent Resolution No. 129 (Resolution Chapter 196, Statutes of 1967); and

WHEREAS, This joint legislative committee is authorized to act during the 1967 and 1968 sessions of the Legislature and to file its final report not later than March 29, 1968; and

WHEREAS, In the interests of a thorough and objective study of information concerning unemployment insurance in this state, it will be necessary to extend the authorization of the Joint Interim Legislative Unemployment Insurance Committee past the original reporting date of March 29, 1968, and therewith extend the committee's reporting date; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to all authority rights and duties heretofore conferred on it, the Joint Interim Legislative Unemployment Insurance Committee is authorized to act during the 1968 Regular Session of the Legislature, including any recesses therein, and after the final adjournment thereof, with authority to file its final report no later than the fifth legislative day of the 1969 Regular Session of the Legislature; and be it further

Resolved, That such moneys as have previously been made available for the expenses of the committee and its members shall continue to be made available during the period of its extended existence provided by this resolution.

RESOLUTION CHAPTER 30

Assembly Concurrent Resolution No. 33—Relative to memorializing Major General Clarence A. Shoop.

[Filed with Secretary of State February 29, 1968.]

WHEREAS, It was with the most sincere and profound sorrow that the Members of the Legislature of the State of California learned of the death of Major General Clarence A. Shoop, the distinguished Commander of the California Air National Guard; and

WHEREAS, Major General Shoop was born in Clarendon, Pennsylvania, May 10, 1907, and educated at Denison Univer-

sity, University of Southern California, and the University of California at Los Angeles; and

WHEREAS, After graduation from the University of Southern California, he began his military career as a flying cadet at March Field in 1930, and was commissioned as a first lieutenant in the 115th Observation Squadron of the California Air National Guard in 1933; and

WHEREAS, Just prior to Pearl Harbor, he returned to active duty and was assigned to test-fly the new P-38 fighter and later became one of the first pilots to test-fly the first jet aircraft flown in the United States, the XP-59; and

WHEREAS, Major General Shoop served with distinction and courage with the 55th Fighter Group of the Eighth Air Force in the bitter air war over Germany in 1944, and later commanded the Seventh Photo Reconnaissance Group and flew many vital reconnaissance missions prior to the invasion of Europe; and

WHEREAS, In 1945, he was appointed Commander of the Muroc Flight Test Base, where he was instrumental in the development of many experimental and test flight projects; and

WHEREAS, When he returned to civilian life, he became chief of the flight test section of Hughes Aircraft Company and rejoined the California Air National Guard as Commander of the Headquarters of the 146th Composite Wing; and

WHEREAS, General Shoop was assigned to command the 146th Fighter Bomber Wing; in 1957, he was appointed Air Chief of Staff of the California Air National Guard and promoted to major general; and, in 1961, he was appointed Commander of the California Air National Guard; and

WHEREAS, Throughout his long and distinguished career, General Shoop received many decorations and awards for his courage and efficiency, including the Distinguished Flying Cross, Air Medal, Army Commendation Medal, Presidential Unit Citation, American Defense Service Medal, American Campaign Medal, World War II Victory Medal, Vietnam Service Medal, Croix de Guerre with Palm, and State of California Medal of Merit; and

WHEREAS, His inspiring career in military, civil, and aviation domains will long serve as an exemplary guide to his fellow men; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their deep regret on the passing of Major General Clarence A. Shoop and extend their sincere condolences to his family and many friends; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the widow of Major General Clarence A. Shoop, Mrs. Julie Shoop.

RESOLUTION CHAPTER 31

Assembly Concurrent Resolution No. 35—Relative to proclaiming Square Dance Week.

[Filed with Secretary of State February 29, 1968]

WHEREAS, More and more Californians are participating in square dancing, and there are now some 50,000 square dancers throughout this state; and

WHEREAS, Since the days when covered wagons crossed the vast wilderness which was America, square dancing has been not only a form of family recreation, but it contributes to physical fitness as well; and

WHEREAS, There is a growing recognition of this national dance that is truly American; and

WHEREAS, There is a large number of associations of square dancers in this state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to issue a proclamation designating the week beginning September 8, 1968, as "Square Dance Week," and inviting the people of California to participate in this great sport and tradition; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 32

Assembly Concurrent Resolution No. 37—Relative to commending the California Dietetic Association and proclaiming Good Nutrition Week

[Filed with Secretary of State February 29, 1968]

WHEREAS, A balanced diet and good nutrition are essential to the physical well-being of our citizenry; and

WHEREAS, The California Dietetic Association has rendered exceptional service to California through its continued and diligent efforts to improve public health and nutrition; and

WHEREAS, The goals of the dietitians in California have been to improve human nutrition, advance the science of dietetics and nutrition, and promote education in these and allied areas; and

WHEREAS, The latest project of the California Dietetic Association is the promotion of Good Nutrition Week, April 7th through 13th, during which various community programs and activities will emphasize the benefits of good nutrition; and

WHEREAS, The Annual Meeting of the American Dietetic Association, this year keynoting the theme, "Who Feeds the

Nation," will be held in San Francisco during the week of October 14–18; and

WHEREAS, The California members of the American Dietetic Association have given unstintingly of their time and efforts to make Good Nutrition Week a success; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the California Dietetic Association for its outstanding work in the field of nutrition, and request the Governor to proclaim the week of April 7th through 13th as Good Nutrition Week; and, be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and a suitably prepared copy to the California Dietetic Association.

RESOLUTION CHAPTER 33

Senate Concurrent Resolution No. 29—Relating to commending the City of Carson on its incorporation, and the city officials on their election.

[Filed with Secretary of State March 4, 1968.]

WHEREAS, It has come to the attention of the Legislature that Carson has become the 77th city in Los Angeles County and the 401st city in the State of California; and

WHEREAS, Messrs. H. Rick Clark, Gilbert D. Smith, Sak Yamamoto, John Junk and John A. Marbut were elected to serve as the first councilmen of this new city; and

WHEREAS, During its first business meeting, 55-year-old school principal John A. Marbut was elected mayor of the 15-square-mile municipality; and

WHEREAS, Mrs. Dorothy Carter was elected as city treasurer, and Mrs. Marilyn R. Cortina as city clerk; and

WHEREAS, More than 700 community residents and visiting dignitaries attended the happy and momentous swearing-in ceremony on February 20, 1968; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members commend and congratulate the citizens and the City of Carson on its incorporation, and the mayor, councilmen, and other city officials on their election; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the City of Carson, Mayor John A. Marbut, Councilmen H. Rick Clark, Gilbert D. Smith, Sak Yamamoto, and John Junk, City Treasurer Mrs. Dorothy Carter, and City Clerk Mrs. Marilyn R. Cortina.

RESOLUTION CHAPTER 34

Senate Concurrent Resolution No. 31—Relative to Elks National Youth Week.

[Filed with Secretary of State March 6, 1968.]

WHEREAS, The Benevolent and Protective Order of Elks will honor the junior citizens of our country with the proclamation of "Elks National Youth Week" on May 1, 1968; and

WHEREAS, The California Elks Association is made up of 164 lodges in California and three in Hawaii which are sponsoring programs to help the young people of their communities; and

WHEREAS, It is only fitting and proper that the Legislature note and encourage the worthwhile efforts of all citizens and service organizations on behalf of our youth; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members heartily commend the members of the Benevolent and Protective Order of Elks upon their sponsorship of "Elks National Youth Week"; and be it further

Resolved, That the Governor of California is hereby requested to proclaim the week beginning with May 1, 1968, "Elks National Youth Week" in California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 35

Assembly Joint Resolution No. 2—Relative to federal participation in aid to families with dependent children program.

[Filed with Secretary of State March 11, 1968.]

WHEREAS, After June 30, 1968, the federal government will not participate in aid to families with dependent children payments to children under 18 years of age on aid because of the absence of a parent, beyond those represented by the proportion of such children to the state's total child population under 18 years of age as of January 1, 1968; and

WHEREAS, Any increase in the number of children under 18 years on such aid without a proportionate increase in the state's total child population under 18 years of age after June 30, 1968, would place the entire financial burden for such increase on the state and counties; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to rescind the recent legislation limiting the

federal government after June 30, 1968, from participating in aid to families with dependent children payments to children under 18 years of age on aid because of the absence of a parent, beyond those represented by the proportion of such children to the state's total child population under 18 years of age as of January 1, 1968; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 36

Assembly Concurrent Resolution No. 32—Relative to proclaiming Environmental Health Week.

[Filed with Secretary of State March 11, 1968.]

WHEREAS, The health and safety of all Californians are of prime importance in the continuing development and growth of this state; and

WHEREAS, Sanitarians are the persons who enforce the health and safety regulations on the county and state level; and

WHEREAS, These regulations relate to essential facets of a person's life; such as housing, food service facilities, recreation, waste disposal, water supply, and air pollution; and

WHEREAS, The sanitarian is highly qualified, and has a science degree and has passed a state examination; and

WHEREAS, There are 1,200 persons working as sanitarians in this state, and 500 of these belong to the California Association of Sanitarians; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to issue a proclamation designating the week beginning April 14, 1968, as "Environmental Health Week," and invite the people of California to join in recognizing the invaluable service and contribution that all sanitarians and the California Association of Sanitarians have rendered to the health, safety, and well-being of the people of this state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 37

Assembly Concurrent Resolution No. 57—Relative to Easter Seal Month.

[Filed with Secretary of State March 11, 1968]

WHEREAS, The Easter Seal Society for Crippled Children and Adults of California has for the past 41 years admirably and devotedly provided the physically handicapped of this state and their families with services vital to helping these handicapped attain maximum physical improvement and emotional maturity; and

WHEREAS, The dedicated work of the 49 local Easter Seal organizations throughout California has served this past year over 25,000 crippled children and adults, providing proper care and treatment, and securing education, training and employment opportunities consistent with their abilities; and

WHEREAS, The Easter Seal Society has taken major steps in California to help create a climate of acceptance of disabled persons which will help these persons to contribute to the fullest extent of their competence to the well-being of the community; and

WHEREAS, The Easter Seal Society has avowed to continue and intensify its many efforts to assist disabled children and adults in finding and making effective use of resources which will be helpful in developing their abilities and in living purposeful lives; and

WHEREAS, The continuation of the Easter Seal Society's noble efforts is dependent upon the voluntary support of California's private citizens; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim that the period between March 1 and April 15 be designated as Easter Seal Month, heralding to the people of California the laudable achievements of the Easter Seal Society and spurring their voluntary support to the 1968 Easter Seal Campaign conducted during this period; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 38

Senate Concurrent Resolution No. 30—Relative to commending the Watsonville Register-Pajaronian.

[Filed with Secretary of State March 11, 1968]

WHEREAS, For an uninterrupted 100 years commencing March 5, 1868, Watsonville and its surrounding areas in

Santa Cruz, Monterey and San Benito Counties have been served well by their newspaper, the Watsonville Register-Pajaronian, and its predecessors; and

WHEREAS, Small-city newspapers in California are of generally higher quality than similar newspapers in most parts of the United States, and the Watsonville Register-Pajaronian has been regularly honored among its peers; and

WHEREAS, The highest principles of journalism, beginning with accurate and unbiased news reporting, have been reflected in the columns of these newspapers; and

WHEREAS, From the earliest days of campaigns to secure a main line railroad connection for Watsonville to the current times of campaigning for modern, efficient government, the Watsonville Register-Pajaronian and its predecessors have been a potent influence for the common good; and

WHEREAS, Generations of Watsonville editors, of whom the late James G. Piratsky and F. W. Atkinson and the present editor, Frank F. Orr, had the longest tenure, achieved statewide and national reputations for hard-hitting, well-reasoned, independent editorials which were widely quoted and acclaimed for their forthrightness and personal courage in the face of opposition from powerful interests; and

WHEREAS, The Watsonville Register-Pajaronian, foremost among a long succession of honors for excellence and community service, gained an international reputation and a permanent place in the history books when, in 1956, it was awarded the Pulitzer Prize for Meritorious Public Service, journalism's highest award—an honor shared with only two other California newspapers and only 44 other American newspapers in the 50 years since the prize was established; and

WHEREAS, The Watsonville Register-Pajaronian concludes its first century and enters its second with an able staff, guided by principles of honesty and fair dealing, politically independent, forceful in its opinions, willing always to publish the views of those who dissent; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Watsonville Register-Pajaronian be congratulated on the occasion of its 100th anniversary, and commended for its long record of public service in the past, and extended best wishes for even greater success in its second century of publication; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the Watsonville Register-Pajaronian.

RESOLUTION CHAPTER 39

Senate Concurrent Resolution No. 33—Relating to commending the Sacramento Society for Medical Improvement.

[Filed with Secretary of State March 11, 1968]

WHEREAS, The Sacramento Society for Medical Improvement is the oldest society in consecutive years, in the West, and has over the years rendered notable service to the medical profession and the citizens of this state; and

WHEREAS, The first medical society in the West, the Medico-Chirurgical Association, was formed in Sacramento on May 2, 1850, the year 17 of Sacramento's doctors lost their lives in the cholera epidemic, and in 1856 the first State Medical Journal was printed in Sacramento due to the interest of the society for medical improvement; and

WHEREAS, The society's expounding of the principles and ethics of the medical profession and their constant and stalwart adherence to these ethics has stood as an example and tremendously influenced the practice of medicine in the western world; and

WHEREAS, This group influenced the building in Sacramento of the first railroad hospital in the world, in which Dr. Huntington performed the first appendectomy in the West; and

WHEREAS, The Sacramento Board of Health was the second in the United States, and the Sacramento doctors, principally Thomas M. Logan, influenced the formation of the first State Board of Health, and reestablished the State Medical Society; and

WHEREAS, Aseptic technique in the West had its beginning and was first used in Sacramento, and catgut and silverwire were first used in the West in Sacramento; and

WHEREAS, Doctor H. W. Harkness was Sacramento's first Superintendent of Public Schools, 12 Sacramento doctors were former presidents of the California Medical Association, and one, Doctor Thomas M. Logan, was a president of the American Medical Association; and

WHEREAS, Formerly of Sacramento, Doctor Edward R. Taylor practiced both medicine and law in San Francisco and later became its mayor, Doctor William Watt Kerr became one of San Francisco's great medical practitioners, and Doctors Wallace I. Terry and Thomas Huntington became professors of surgery at the University of California Medical School; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members commend the Sacramento Society for Medical Improvement for their many outstanding accomplishments and on behalf of the people of California express their wish for continued success in their noteworthy goals and endeavors; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the Sacramento Society for Medical Improvement.

RESOLUTION CHAPTER 40

Assembly Concurrent Resolution No. 42—Relative to the Knights of Columbus.

[Filed with Secretary of State March 15, 1968]

WHEREAS, The Knights of Columbus, a fraternal benefit society of Catholic laymen, was instituted on March 29, 1882, by a simple priest of Irish ancestry in a little parish located in New Haven, Connecticut; and

WHEREAS, Father Michael McGivney envisioned a militant society of Catholic men which would aid and assist in caring for the widows and children of its deceased members and stimulate ideals of love of God and country; and

WHEREAS, From these simple beginnings, the Knights of Columbus has grown into the world's largest Catholic fraternal group, numbering nearly 1½ million members in over 6,000 subordinate councils in the United States, Canada, Puerto Rico, Cuba, Mexico, and the Philippine Islands; and

WHEREAS, The founding principles of the order were based on four major degrees of charity, unity, fraternity and patriotism and its programs have stressed development of leadership, participation in the community, charitable works, and training of youth to become patriotic American citizens; and

WHEREAS, The society was first established in California in 1900 with the illustrious citizen and patriot, Joseph Scott, fondly known as "Mr. Los Angeles" as its first territorial deputy, and today numbers nearly 45,000 members in some 300 councils throughout the state; and

WHEREAS, A significant number of its members have distinguished themselves in public service to their fellow man at the city, county, state and federal level; and

WHEREAS, Culmination of this year's Columbian activities in California will be the Supreme Council's 86th annual convention scheduled to be held at Disneyland in Anaheim; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor of this state to proclaim the week of March 29th as "Knights of Columbus Week"; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Governor of the State of California and to transmit suitably prepared copies of this resolution to Supreme Knight John McDevitt of New Haven, Connecticut; Supreme Director Arthur J. Melka of Oakland; and State Deputy Albert S. Gonsalves of Cerritos.

RESOLUTION CHAPTER 41

Assembly Concurrent Resolution No. 62—Relative to congratulating Bernard H. Ridder, Sr.

[Filed with Secretary of State March 18, 1968.]

WHEREAS, It has come to the attention of the Legislature that on March 20, 1968, Bernard H. Ridder, Sr., will celebrate his 85th birthday; and

WHEREAS, Bernard H. Ridder, Sr., is one of the founders and chairman of the board of directors of Ridder Publications, Inc., whose newspapers have rendered long and meritorious service to the California communities in which they are published; and

WHEREAS, The son of Herman H. Ridder, who founded the New York German language newspaper, the Staats-Zeitung und Herold, and was founder and president of the American Newspaper Publishers Association, Bernard Ridder, Sr., was born in New York, graduated from Columbia University and undertook postgraduate studies at the University of Leipzig in Germany; and

WHEREAS, Bernard Ridder, Sr., began his illustrious career in the newspaper field with the Brooklyn Eagle in New York, worked for the Staats-Zeitung und Herold in all departments, mechanical, business and editorial, for ten years and with his brothers, Joseph and Victor, purchased the New York Journal of Commerce and the St. Paul Dispatch-Pioneer Press in 1927; and

WHEREAS, Bernard Ridder is a leader in the continuous expansion of the Ridder families' journalistic enterprises which now include 13 newspapers, four radio stations and two television stations, and his four sons are newspaper publishers: Herman H. Ridder, publisher of the Long Beach Independent-Press Telegram; Daniel H. Ridder, copublisher of the Long Beach Independent-Press Telegram; Joseph B. Ridder, publisher of the San Jose Mercury and News; and Bernard H Ridder, Jr., publisher of the St. Paul Dispatch-Pioneer Press and Duluth Herald and News-Tribune; and

WHEREAS, Bernard Ridder, Sr., is president of Northwest Publications, Inc., which publishes the St. Paul Dispatch-Pioneer Press, the Duluth Herald and News-Tribune, the Gary, Indiana, Post-Tribune and the San Jose Mercury and News, director of the American National Bank of St. Paul, and chairman of the Board of Directors of Ridder Publications, Inc., which owns controlling stock in the California newspapers: Long Beach Independent Press-Telegram, San Jose Mercury and News, Pasadena Independent and Star-News, and the Orange County Evening News in Garden Grove; and

WHEREAS, Over the period of his career, Bernard Ridder, Sr., has gained a richly deserved reputation not only among

his colleagues but also among the general public as a man of exceptional talents, keen insight and unique administrative ability; and

WHEREAS, In recognition of his ability, Bernard Ridder, Sr., was awarded the Order of Isabella Católica by the government of Spain, the highest award given foreigners, for promoting cultural relations between the people of Spain and the United States; and

WHEREAS, Bernard Ridder, Sr., established the famous Women's Institute of St. Paul, is a member of the fine arts committee of the United States "people-to-people" program designed to foster international understanding through private nongovernmental contracts, and is very active in civil affairs, serving on many committees concerned with all phases of community betterment; and

WHEREAS, His hobbies include gardening, and his gardens are famous for their large variety of beautiful tulips; poetry and three-dimensional color photography, which has resulted in his establishing the St. Paul Dispatch-Pioneer Press Slide Library containing over 20,000 pictures, including three-dimensional color slides of famous paintings in the leading art galleries of Europe, European scenic pictures, castles, great homes of England and well-known American homes and gardens, selections from which are available for public showings; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members congratulate and commend Bernard H Ridder, Sr., on his 85th birthday and convey to him best wishes for many more happy years to come; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Bernard H. Ridder, Sr.

RESOLUTION CHAPTER 42

Senate Concurrent Resolution No. 40—Relative to the inauguration of Robert Edwin Kennedy as President of California State Polytechnic College.

[Filed with Secretary of State March 20, 1968]

WHEREAS, The Trustees and the Chancellor of the California State Colleges have concluded their long and careful search by selecting Dr. Robert Edwin Kennedy to succeed the late Dr. Julian A. McPhee as President of California State Polytechnic College at San Luis Obispo; and

WHEREAS, Dr. Kennedy will be inaugurated as president of this distinguished institution on April 3, 1968; and

WHEREAS, It is of special gratification to see this great responsibility assigned to an educator who is himself a product

of California's public schools and its public and private institutions of higher learning; and

WHEREAS, Preliminary to his selection as president, Dr. Kennedy was accorded the highest of personal and professional compliments through the recorded endorsement of his colleagues after more than a quarter of a century as a faculty member and administrator at the college; and

WHEREAS, He has consistently demonstrated his loyalty to those philosophies and methodologies which have helped make Cal Poly a historic statewide instrument of extraordinary usefulness and a key part of California's diversified system of higher education; and

WHEREAS, In his capacities as educator, journalist, and citizen, he has always shown himself ready to serve not only his immediate community but the people of California, on or off the campus, whenever and wherever his many abilities have been sought; and

WHEREAS, Many of the Members of the Legislature have from time to time through the years enjoyed purposeful association with Dr. Kennedy; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members congratulate the California State Polytechnic College at San Luis Obispo and the entire California State College System on the occasion of the inauguration of Dr. Robert Edwin Kennedy for the utilization of this rich store of experienced and devoted leadership, and extend to Dr. Kennedy best wishes for continuing success and long and fruitful years during his tenure as president as he accepts the new challenges and greater responsibilities now placed before him; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to President Robert Edwin Kennedy.

RESOLUTION CHAPTER 43

Assembly Joint Resolution No. 3—Relative to establishment of an insurance fund for offshore oil leasing.

[Filed with Secretary of State March 25, 1968.]

WHEREAS, The United States Department of the Interior has leased certain lands situate offshore of the State of California outside of the three-mile limit for offshore oil operations; and

WHEREAS, The shoreline along the California coast is one of the state's magnificent heritages, a scene of unrivaled natural beauty; and

WHEREAS, Any leakage, contamination, or beach pollution emanating from such oil operations, whether caused by negligence of man or forces of nature, or any other cause, could cause great damage to the valuable shoreline areas; and

WHEREAS, The public interest would be well served through creation of an insurance fund for the protection and preservation of the California shoreline; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to establish an insurance fund from revenue produced through offshore oil development and production, to be used for removal of pollution, contamination, or debris resulting from such development and operations which affect the California shoreline and for the compensation of landowners, including public agencies, for private or public property damage; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior.

RESOLUTION CHAPTER 44

Assembly Concurrent Resolution No. 25—Relative to proclaiming the week of March 24 through 30 as Chamber of Commerce Week.

[Filed with Secretary of State March 25, 1968.]

WHEREAS, There is general recognition today that pressing problems involving community development, housing, hardcore unemployed, education, transportation, environmental pollution, water and natural resources, agriculture, and economic growth require a working relationship between government and the private sector of the American economy; and

WHEREAS, Business and professional men and women of America have skills and talents which can be brought to bear upon these problems; and

WHEREAS, Business and professional men and women throughout America have joined together in local, state, and national chambers of commerce to attack and solve problems through voluntary action programs; and

WHEREAS, Chambers of commerce have performed and are performing a valuable service by enlisting the aid of the business and professional men and women of America to find and implement solutions to the problems of modern America; and

WHEREAS, Chamber of commerce members in the State of California will observe the week of March 24 through 30, 1968, as "Chamber of Commerce Week"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge Governor

Ronald Reagan to proclaim the week of March 24 through 30, 1968, as "Chamber of Commerce Week"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to Governor Reagan, the California State Chamber of Commerce, and the California Association of Chamber of Commerce Executives.

RESOLUTION CHAPTER 45

Assembly Concurrent Resolution No. 49—Relative to the financing of the Medi-Cal program.

[Filed with Secretary of State March 25, 1968.]

WHEREAS, In the 1967 Second Extraordinary Session, the Legislature established the Joint Committee on Medi-Cal Administration by Assembly Concurrent Resolution No. 11; and

WHEREAS, This committee was given the responsibility of developing accurate estimates of the cost of the Medi-Cal program and has made considerable progress in fulfilling this task; and

WHEREAS, The Attorney General of the State of California plans to launch an investigation of the Medi-Cal program to determine the amount of vendor fraud involved; and

WHEREAS, It has also come to the attention of the committee that there are abuses of the program including both irregularities and possibly outright fraud, and such abuses have an impact on the program cost; and

WHEREAS, Facts developed in the investigation by the Attorney General will be of extreme importance to the Legislature as well as other facts which can be uncovered concerning abuse of the program which may not amount to actionable fraud but should nevertheless be halted; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Committee on Medi-Cal Administration be hereby directed to continue its study of Medi-Cal costs past March 1 and investigate the extent of irregularities and abuse of the Medi-Cal program; and be it further

Resolved, That the committee is hereby authorized to retain staff investigators if deemed necessary, and to cooperate with the investigation conducted by the Attorney General; and be it further

Resolved, That the committee report its preliminary findings of 1967–68 costs by March 11, 1968; its preliminary findings of 1968–69 costs by April 1, 1968; its final findings of costs, including the nature and extent of irregularities and abuse and their impact on Medi-Cal costs, and recommendations for legislative and administrative changes by January 15, 1969.

RESOLUTION CHAPTER 46

Assembly Concurrent Resolution No. 64—Relative to proclaiming April 10th as Croatian Independence Day.

[Filed with Secretary of State March 25, 1968.]

WHEREAS, The United States stands as the hope for the enslaved nations in today's divided world; and

WHEREAS, Those nations look to the United States, as the citadel of human freedom, for leadership in achieving their liberation and independence on the basis of the right of self-determination guaranteed in the Charter of the United Nations; and

WHEREAS, Croatia, one of the enslaved nations, is presently subjected to force and terror exerted by the Yugoslav Communists; and

WHEREAS, Communist Yugoslavia has recently assisted the Soviet Union in establishing a naval power in the Mediterranean to promote the spread of Communism; and

WHEREAS, The Croatian nation, ever since its early beginning in the seventh century, has had to fight to preserve freedom and independence, and in the pursuit of democratic processes created, more than a thousand years ago, one of the oldest elected parliamentary bodies, the Sabor; and

WHEREAS, Several hundred thousand Croatians died defending their state, reestablished by the Croatian people on April 10, 1941, against foreign aggressors including the Yugoslav Communists helped by the Red Army; and

WHEREAS, Communist Yugoslavia has prevented the election of representatives to the Sabor, and the Croatian nation has been deprived of the basic human rights of self-determination, free elections, economy, culture, religion, and even language; and

WHEREAS, More than 150,000 Americans of Croatian descent live in California, participating in economic, cultural, and political developments of this Golden State and always maintaining their vigilance against Communist aggression by sharing their knowledge and experience; and

WHEREAS, The desire for liberty and independence by the overwhelming majority of the people of the submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace together with these prospective American allies; and

WHEREAS, It is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the State of California share with them aspirations for the recovery of their freedom and independence; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge Governor Ronald Reagan to proclaim April 10th as Croatian Independ-

ence Day throughout this state, and invite all citizens to give renewed devotion to the just aspirations of all people for national independence and human liberty; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 47

Senate Concurrent Resolution No. 28—Relative to commending American Airlines, Inc., and McDonnell Douglas.

[Filed with Secretary of State March 25, 1968.]

WHEREAS, American Airlines, Inc., has placed a firm order with McDonnell Douglas for 25 DC-10 trijet "Astroliners," the airplane of the future, with an option to buy an additional 25 airliners, at a total record-breaking cost of more than $800,000,000; and

WHEREAS, The DC-10 "Astroliner" was developed by the close association of these two companies and this order resumes a relationship which resulted in the development of a number of outstanding piston planes; and

WHEREAS, This airliner represents a new generation of subsonic jetliner with an all-purpose versatility of operating out of small and large airports alike, with a spaciousness of a cabin width seven feet greater than current large jets, with passenger comforts of two-abreast seating in coach, and with a newly designed food center for improved dining service; and

WHEREAS, Unprecedented advances in the reduction of engine noises to levels acceptable to airport communities was set as an objective by these public-minded companies and has been accomplished in the DC-10; and

WHEREAS, The order calls for delivery of the first 25 DC-10 "Astroliners" beginning in late 1971; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members commend American Airlines, Inc., and McDonnell Douglas for the development and association in the manufacture and purchase of the versatile DC-10 "Astroliner"; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to George A. Spater, President, American Airlines, Inc., and to James S. McDonnell, Chairman, McDonnell Douglas.

RESOLUTION CHAPTER 48

Assembly Concurrent Resolution No. 39—Relative to Constitution Week.

[Filed with Secretary of State March 27, 1968.]

WHEREAS, The Constitution of the United States of America, adopted by the Constitutional Convention by the unanimous consent of the states present on the 17th of September, 1787, emanated from the people to "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty"; and

WHEREAS, As the keystone of our federal structure the Constitution is the source from which our governmental institutions derive their powers; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to designate the period beginning September 17th and ending September 23rd as Constitution Week, and to issue a proclamation inviting the people of the State of California along with the people of the United States to observe such week in schools, churches and other suitable places with appropriate ceremonies and activities; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 49

Senate Joint Resolution No. 3—Relative to the reinstitution of federal services for California Indians.

[Filed with Secretary of State April 2, 1968.]

WHEREAS, The Indians of California have been excluded from various federal programs and services available to all other Indians of the United States; and

WHEREAS, The Legislature of the State of California in 1953 adopted Assembly Joint Resolution No. 38 and is now clarifying its position with respect to the full participation of California Indians in all federal programs and services available to Indians of the United States; and

WHEREAS, For many years the State of California received three hundred eighteen thousand five hundred dollars ($318,500) as its share of federal moneys allocated to Indian education under the "Johnson-O'Malley Act"; and

WHEREAS, Congress, in the late 1950's, increased federal programs and resources for Indian education; and

WHEREAS, California Indians were precluded from sharing in the increased federal moneys expended for Indian education

under the "Johnson-O'Malley" program nor have they, in fact, received any aid under such program since 1958; and

WHEREAS, Congress appropriated for the 1967–1968 fiscal year nine million five hundred thousand dollars ($9,500,000) for "Johnson-O'Malley" programs, over one million dollars ($1,000,000) of which would have been received by the State of California had it retained its previous percentage share of such funds; and

WHEREAS, There is an actual demonstrated need for the reactivation of the "Johnson-O'Malley" program in California, as evidenced by the fact that the State of California has not enacted adequate programs to meet Indian needs and by the 1966 Report of the California State Advisory Commission on Indian Affairs which documents the appallingly high dropout rate for Indian students; and

WHEREAS, Federal funds received by school districts in California under Public Law 81-874 (which authorizes supplemental payments to school districts receiving school children from nearby federal facilities) is not an adequate substitute for "Johnson-O'Malley" funds because: (1) funds received pursuant to Public Law 81-874 become part of the local school district's general fund and are not earmarked for special Indian programs; and (2) funds received pursuant to Public Law 81-874 are tied to Indians in federally impacted areas and thus do not benefit rural Indians; and

WHEREAS, There are many California Indian children who might benefit from schools for Indians and who might qualify under the admission criteria promulgated by the Bureau of Indian Affairs; and

WHEREAS, In 1955, responsibility for Indian health passed from the Bureau of Indian Affairs to the Public Health Service, Department of Health, Education, and Welfare; and

WHEREAS, The Public Health Service succeeded to, and continued, the policy of withdrawal embarked upon by the Bureau of Indian Affairs, and Public Health Service medical services programs were phased out in the 1950's; and

WHEREAS, Although the Public Health Service still administers a health and sanitation program for California Indians, it recognizes that unmet medical needs exist among the rural California Indians; and

WHEREAS, While the California State Department of Public Health recently received a United States Public Health Service contract grant to develop a pilot Indian health aid training program, medical "outreach" programs are urgently required for the California Indians; and

WHEREAS, Under Public Law 84-959, the Bureau of Indian Affairs operates a vocational training and relocation program for Indians in California, however, the funds received under such program primarily benefit out-of-state Indians whom the Bureau is relocating and training for jobs in California; and

WHEREAS, Under Public Law 84-959, eligibility is limited to those residing "on or near" reservations, and many California

Indians, in need of vocational training services, are nonreservation and are thus ineligible for training; and

WHEREAS, Eligibilty requirements under Public Law 84-959 achieve substantial fairness in other states which have large reservations; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to provide for the full financial participation by California Indians in all federal programs, to require that all schools for Indians be made available to California Indians, that "outreach" medical services programs be provided for the California Indians, that Public Law 84-959 be amended to remove the requirement of living "on or near" a reservation, and thereby make available federal vocational training services to all California Indians, and to reinstitute and expand the "Johnson-O'Malley" contract funds for the education of California Indians; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Health, Education, and Welfare, and to the Director of the Bureau of Indian Affairs.

RESOLUTION CHAPTER 50

Assembly Concurrent Resolution No. 1—Relative to adoption of the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State April 2, 1968.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Rules of the Senate and Assembly for the 1967 Regular Session of the Legislature be, and the same are hereby, adopted as the Temporary Joint Rules of the Senate and Assembly for the 1968 Regular Session, except:

First, That Rule 32 shall read as follows:

Press Rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 29(k) of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers, news associations, or radio or television stations by which they are employed, and what other occupations or employment they may have, if any; and they shall further declare that they are not employed, directly or

indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privilege of accredited press representatives.

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the Standing Committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly Chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who represent news associations requiring daily telegraphic or radio or television service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to news associations requiring telegraphic or radio or television service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

Second. That Section 39.1 be added, to read:

Easter Recess

39.1. Each House of the Legislature shall be in recess each year from adjournment of its session on the Friday next preceding Good Friday until the time set for reconvening on the Monday next following Easter Sunday.

RESOLUTION CHAPTER 51

Assembly Concurrent Resolution No. 56—Relative to commending Assemblyman Stewart Hinckley.

[Filed with Secretary of State April 2, 1968.]

WHEREAS, Assemblyman Stewart Hinckley, the able representative of the 73rd Assembly District, will retire at the expiration of his present term, having served his constituents and his state with distinction and with devotion throughout his career as legislator; and

WHEREAS, Assemblyman Hinckley comes from a pioneer farm family that settled in southern California a hundred years ago, is a native of Bryn Mawr, California, was educated in the Redlands schools, and graduated from Pomona College; and

WHEREAS, Assemblyman Hinckley gained early fame in track and cross-country races, then entered the citrus industry as a grove worker and packinghouse employee, later became a manager and owner and is a flying rancher, owning and operating his own plane; and

WHEREAS, On October 12, 1927, Assemblyman Hinckley married the former Bertha Craig and they have a daughter and son and six grandchildren; and

WHEREAS, After his return from service in the 63rd Anti-aircraft Artillery, United States Army, during World War II, Assemblyman Hinckley was first elected to represent the 73rd District in the State Assembly in 1946, winning both the Republican and Democratic nominations; and

WHEREAS, He was reelected for three consecutive terms, receiving the nomination of both parties, thus demonstrating the confidence which the voters of his district displayed in his record and achievements; and

WHEREAS, In 1954, Assemblyman Hinckley left the Assembly at the request of the Eisenhower Administration to serve as the United States Department of Agriculture's Director of the Farmers' Home Administration for the Western States, but was reelected in 1962, when the incumbent, who had succeeded Mr. Hinckley, announced he would not seek reelection, and Stew's friends and neighbors prevailed upon him to be a candidate once again; and

WHEREAS, Overwhelmingly reelected to the Assembly in 1964 and 1966, Assemblyman Hinckley's fellow legislators also respected his legislative "know-how" naming him to the chairmanship of the powerful Budget Conference Committee for three consecutive years; and

WHEREAS, Assemblyman Hinckley brought to his legislative duties a broad background with his firsthand knowledge of agriculture, familiarity with business and alertness to labor's needs, and his supporters call him "a businessman with the workingman's outlook"; and

WHEREAS, Over the years as a legislator he has been lauded by educators as one whose voting record showed that he had the welfare of schools and children at heart, he has fostered legislation to combat organized crime, narcotics traffic, vice and gambling, he was outspoken in his concern for conserving California's natural resources, he called for stronger support for mental hospitals, and as Chairman of the Assembly Fish and Game Committee, he devoted much energy toward improving the legislation in this important field; and

WHEREAS, In addition to an active and dedicated political career he has been active in civic and social affairs as a member of the Masons, Elks, American Legion, Imperial Valley Navion Club, Eagles, Native Sons of the Golden West, Argonauts Club, Flying Farmers of California, Inc., Aircraft Owners and Pilots Association, and National Pilots Association and is a member of the Episcopal Trinity Church; and

WHEREAS, Thousands of grateful constituents would testify that "Stew" Hinckley is a man of honor, who always had the time and concern for their personal problems, and who consistently demonstrated loyalty and devotion to his constituents, to California and to his country; and

WHEREAS, For all of his achievements, public service, and devotion to duty his fellow members of the California State Legislature wish to pay him this honor and tribute; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature commend Assemblyman Stewart Hinckley for his distinguished service as a legislator and wish him happiness and success in whatever endeavors he may undertake following his retirement from the Assembly; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Assemblyman Stewart Hinckley.

RESOLUTION CHAPTER 52

Assembly Concurrent Resolution No. 59—Relative to commending Mrs. Elizabeth McFeely D'Urso.

[Filed with Secretary of State April 3, 1968]

WHEREAS, Mrs. Elizabeth McFeely D'Urso will have completed 40 years of service to California public schools when she retires on June 30, 1968; and

WHEREAS, This service has included assignments as a teacher, curriculum assistant and teacher consultant in the public schools of Oakland and as Chief Deputy Superintendent and Special Services Deputy to the Superintendent of Schools of Alameda County; and

WHEREAS, She has been active in professional organizations and has served as vice president of the Oakland Teachers'

Association, as a member of the California Council on Teacher Recruitment, as a member of the State Council of the California Teachers' Association, and as legislative chairman for the Bay Section of the California Teachers' Association and the Alameda County Education Association; and

WHEREAS, She has supported and held active membership in many organizations to advance public education, including the National Education Association, the California Congress of Parents and Teachers, Delta Kappa Gamma, Bay Area School Personnel Administrators Association, and the Alameda County Association of School Administrators; and

WHEREAS, Her counsel on education legislation has been sought and valued by Members of the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend Mrs. Elizabeth McFeely D'Urso for her numerous, outstanding, and significant contributions to the advancement of the public schools of California and congratulate her upon her impending retirement and wish her happiness and success in the years ahead; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Mrs. Elizabeth McFeely D'Urso.

RESOLUTION CHAPTER 53

Assembly Concurrent Resolution No. 68—Relative to "Up With People Week."

[Filed with Secretary of State April 3, 1968.]

WHEREAS, The Members of the Legislature have learned of the designation of April 20th as "National Up With People Day"; and

WHEREAS, The "Up With People" program is sponsored by Moral Re-Armament and the goal of the youths and adults involved in such program is to dedicate their energies, convictions and lives to making their communities and schools a better place; and

WHEREAS, The "Up With People" program is renowned for its "singouts" in which young people join hands and hearts in the task of projecting the real image of America's young leaders of today and tomorrow; and

WHEREAS, As part of the program "action councils" of youth, parents, educators and business and community leaders are meeting regularly to find ways to apply absolute standards of honesty, purity, love and unselfishness in their public and private lives; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is respectfully

requested to proclaim the week of April 14th to April 20th as "Up With People Week"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 54

Assembly Joint Resolution No. 25—Relative to the California Air National Guard.

[Filed with Secretary of State April 5, 1968]

WHEREAS, The United States Constitution has recognized the need for a state militia; and

WHEREAS, The Congress of the United States has seen fit to authorize Air and Army National Guard units within the several states; and

WHEREAS, The California National Guard has always responded to national emergencies, state civil disturbances and natural disasters; and

WHEREAS, The California National Guard has met these challenges in an outstanding and meritorious manner of performance and is making significant and vital contributions to the national defense posture of the United States; and

WHEREAS, It has come to the attention of the Members of the California Legislature that the Department of Defense has programmed the inactivation of the 195th Military Airlift Squadron of the California Air National Guard located at Van Nuys, California; and

WHEREAS, The Congress of the United States in 1966, and again in 1967, by congressional mandate, overruled the Department of Defense and directed the retention of the 195th Military Airlift Squadron through the fiscal year 1968; and

WHEREAS, Unless positive action at congressional levels is continued, the State of California will suffer severe reduction of its ability to respond to emergencies and disasters of a state or local nature, as well as diminishing the Air Guard's prime mission of providing fully trained ready reserve units to meet national contingencies; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to retain in active status the 195th Military Airlift Squadron of the California Air National Guard and, recognizing California's continued and permanent need for efficient and responsive airlift capabilities and the security needs of the United States, to furnish more modern aircraft to the squadron; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President

of the United States, the Speaker of the House of Representatives, the Secretary of Defense, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 55

Senate Concurrent Resolution No 52—Relative to proclaiming April 5, 1968, "General Douglas MacArthur Day" in California.

[Filed with Secretary of State April 5, 1968]

WHEREAS, The death of General Douglas MacArthur on April 5, 1964, left the people of the free world with a profound sense of sadness and deep loss; and

WHEREAS, A dynamic and ingenious military leader of vast wisdom and unusual foresight, Douglas MacArthur has been ranked by many historians as one of the world's greatest figures; and

WHEREAS, The honor bestowed on him is so richly deserved for few men through the centuries have given so much to preserve democracy and the dignity of man; and

WHEREAS, Californians and free men everywhere respect the memory of the "Old Soldier" whose passing they have deeply mourned; and

WHEREAS, The Bataan-Corregidor Society of America, organized and founded on the concept of liberty and democracy, and dedicated to the cause of patriotism and good American citizenship, and to the cause for which thousands of Americans and Filipinos valiantly fought and gave their lives, is composed of Americans, Filipino-Americans, and Filipinos bound together by an uncommon bond of friendship; and

WHEREAS, The society is observing the fourth anniversary of the death of General Douglas MacArthur with a memorial dinner April 7, 1968, in San Francisco; now, therefore be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is requested to issue a proclamation designating April 5, 1968, as "General Douglas MacArthur Day" in California, and invite all the people of California to honor on this day the memory of General Douglas MacArthur and those who fell at Bataan and Corregidor; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor, and suitably prepared copies of this resolution to the Bataan-Corregidor Society of America and to its president, Mrs Margaret Krsak-Koesen, to Mrs Douglas MacArthur and President Ferdinand Marcos of the Republic of the Philippines.

RESOLUTION CHAPTER 56

Assembly Joint Resolution No. 6—Relative to designing a stamp commemorating California's Bicentennial Celebration in 1969.

[Filed with Secretary of State April 15, 1968]

WHEREAS, The year 1969 has been proclaimed by the Legislature as California's Bicentennial Year, the 200th anniversary since the founding of California; and

WHEREAS, The several events which are generally recognized as constituting such founding include: (1) the establishment of the first permanent settlement in California on July 16, 1769, in San Diego, by Captain Gaspar de Portolá, assisted by Father Junípero Serra; (2) the discovery of San Francisco Bay by de Portolá in 1769; (3) the establishment of the second permanent settlement in Monterey in 1770; and (4) the founding of several California missions in 1769 and 1770; and

WHEREAS, The event of this bicentennial anniversary will be a statewide celebration to emphasize the importance of this historical occasion; and

WHEREAS, Such important milestones in the annals of history are often marked by the United States Post Office Department by the issuance of a commemorative stamp; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests the United States Post Office Department to issue a stamp commemorating the 200th anniversary since the founding of California, and to design the stamp to give recognition to the events surrounding the founding of California; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to the Postmaster General of the United States.

RESOLUTION CHAPTER 57

Assembly Concurrent Resolution No. 46—Relative to proclaiming May 1968 as "Share in Freedom Month."

[Filed with Secretary of State April 15, 1968]

WHEREAS, Defense of the dollar as the world's strongest currency and bulwark of the Free World's economy is crucial to the welfare of all Americans, and the sale of United States Savings Bonds is an important part of that defense; and

WHEREAS, Savings bonds, as the keystone of our national debt management policy, are held by millions of Americans to

the amount of more than $51.4 billion or 24 percent of the publicly held debt; and

WHEREAS, Savings bonds, thus widely distributed in ownership, are a basic contributor to the financial health of their individual owners, their families, and their communities, as well as the nation; and

WHEREAS, Fred L. Hartley, President of Union Oil Company of California, has been appointed Los Angeles Greater Metropolitan Area Chairman of the U.S. Industrial Payroll Savings Committee, and J. E. Gosline, President, Standard Oil Company of California, has been appointed San Francisco Bay Area Chairman; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Governor Reagan is requested to proclaim the month of May 1968 as "Share in Freedom Month," for the purchase of United States Savings Bonds, with emphasis on Payroll Savings Programs in industry, and that the members urge that all employees of the California state, county, and local governments sign for savings bonds participation through payroll savings; and be it further

Resolved, That the members urge the Governors of other states of the United States to proclaim May 1968 as "Share in Freedom Month" and endorse the Savings Bonds Campaign among employees of their state, and give statewide leadership to the campaign in business and industry; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the Secretary of the Treasury, to Governor Ronald Reagan, to Mr. Fred L. Hartley, to Mr. J. E. Gosline, and copies to the Governors of the other 49 states and four United States possessions.

RESOLUTION CHAPTER 58

Assembly Concurrent Resolution No. 47—Relative to National Clown Week.

[Filed with Secretary of State April 15, 1968.]

WHEREAS, The Clown Club of America is a nonprofit, nonpolitical, nonsectarian club composed of professional, semiprofessional, and amateur clowns across the country; and

WHEREAS, 1968 is the 21st year since the club was founded; and

WHEREAS, Clowns and clowning date back to Joseph and his coat of many colors; and

WHEREAS, Today the clown and his companions in the field of comedy are trying to bring a smile and a measure of happiness to a troubled world; and

WHEREAS, The week of August 4, 1968, will be the 18th observance of National Clown Week; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members earnestly request Governor Reagan to recognize National Clown Week in California by proclaiming the week of August 4, 1968, as National Clown Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 59

Assembly Concurrent Resolution No. 50—Relative to the observance of Secretaries' Week.

[Filed with Secretary of State April 15, 1968.]

WHEREAS, The American secretary is resolved to maintain the highest professional and personal ethics in her increasingly vital role in the modern complexities of business, industry, government and education; and

WHEREAS, Secretarial work has attained the status of exacting and highly qualified career work; and

WHEREAS, The American secretary believes that her diligence should be directed to increased learning, efficiency, and loyalty in making ever more valuable her contribution to the office in which she is employed; and

WHEREAS, The last full week in April is set aside each year by the Secretary of Commerce to honor all American secretaries; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of April 21 through 27 is hereby proclaimed to be Secretaries' Week and April 24 to be Secretaries' Day throughout the State of California and commends it to the attention of business and the secretary alike to pay tribute to the "First Lady of American Business" by honoring all secretaries for their services to the community and to the state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the President of the California Division, National Secretaries' Association (International), Constance McCauley, and to the California Chairman of Secretaries' Week, for the National Secretaries' Association, Judy Mason, CPS.

RESOLUTION CHAPTER 60

Assembly Concurrent Resolution No. 53—Relative to Soil Stewardship Week.

[Filed with Secretary of State April 15, 1968.]

WHEREAS, The Ladies' Auxiliary of the California Association of Soil Conservation Districts has been appointed by that

organization to publicize and encourage the observance of Soil Stewardship Week; and

WHEREAS, Many soil conservation districts throughout the state purchase and distribute Soil Stewardship Week material; and

WHEREAS, The officers and members of the ladies' auxiliary, as well as the officers and directors of the various soil conservation districts, are vitally interested in the preservation of our abundant natural resources; and

WHEREAS, It is more important than ever before in the history of man to recognize man's responsibility to protect and use wisely the precious gifts of soil, water and all our natural resources; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is altogether fitting that we should set aside a week when we express unto God our gratitude for His blessings upon our land and our willingness to be faithful to our stewardship; and be it further

Resolved, That the Legislature respectfully request the Governor to declare the week of May 19 to 26, 1968, as Soil Stewardship Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of California.

RESOLUTION CHAPTER 61

Assembly Concurrent Resolution No. 55—Relative to "Keep California Green Month."

[Filed with Secretary of State April 15, 1968.]

WHEREAS, Millions of acres of forest and range lands and watersheds in California constitute resources that provide many benefits in perpetuity; and

WHEREAS, All residents of our great state share in this wealth by virtue of many thousands of jobs created for production processes related to foodstuffs and fibers; and

WHEREAS, All residents and thousands of visitors share in the enjoyment of great variety of scenery and recreational facilities; and

WHEREAS, Each year our economy suffers losses amounting to many millions of dollars because of the needless and wasteful destruction of these resources by man-caused wildfires; and

WHEREAS, The support of established fire prevention programs and the practice of wildfire prevention methods that are known to all can materially reduce this needless waste; and

WHEREAS, Our residents and visitors know that these methods include use of extreme caution with outdoor fires and incinerators; use of ashtrays; use of approved spark arresters on equipment; use of care with all fire sources in the wildlands; and

WHEREAS, Late summer and the fall months have historically been the most hazardous periods for loss from man-caused wildfire in California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature urges the Governor to proclaim that the month of September be known as "Keep California Green Month"; and be it further

Resolved, That the Governor in his proclamation urge California residents and visitors to acknowledge their responsibility to protect wildlife by sharing in these fire prevention programs, not only during the critical months, but on a yearlong sustained basis, in a common effort to keep California green and ever productive; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of California.

RESOLUTION CHAPTER 62

Assembly Concurrent Resolution No. 74—Relative to Future Business Leaders of America Week.

[Filed with Secretary of State April 15, 1968.]

WHEREAS, The future economic growth and development of our country will be largely dependent on our future business leaders; and

WHEREAS, The Future Business Leaders of America is an organization created by the United Business Education Association to develop the young adults majoring in business education courses in our high schools and colleges; and

WHEREAS, The organization is operated as an integral part of our educational system and is financed solely by the students; and

WHEREAS, During the week of April 14 to 20, 1968, the members of the nearly 150 high school chapters in California will be devoting themselves to various community service programs; and

WHEREAS, Nearly 2,000 delegates will convene in Anaheim on April 19 for the 19th annual State Convention of the Future Business Leaders of America; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to issue a proclamation declaring the week of April 14 to 20, 1968, as Future Business Leaders of America Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 63

Assembly Concurrent Resolution No. 78—Relative to the Armenian Martyrs Memorial Monument.

[Filed with Secretary of State April 15, 1968.]

WHEREAS, The dedication and unveiling ceremonies of the Armenian Martyrs Memorial Monument will be held on Sunday, April 21, 1968, at 3 p.m in Bicknell Park in Montebello, California; and

WHEREAS, The Armenian Martyrs Memorial Monument, erected in memory of the Armenian Martyrs of the 1915 Turkish Genocide, will be unveiled on the 53rd anniversary of the genocide; and

WHEREAS, The brave people of Armenia, martyrs who died in defense of their deep religious beliefs and their firm conviction that tyranny should be resisted, have taken their place in history alongside other brave people who advanced the cause of liberty; and

WHEREAS, Their sacrifices in the cause of liberty and freedom will long serve as a beacon to all mankind; and

WHEREAS, April 24th has been designated Armenian Martyrs' Day in memory of those courageous people in whose honor the Armenian Martyrs Memorial Monument is dedicated; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members, on this occasion, express their admiration of those innocent, courageous people who lost their lives and commend all Californians of Armenian descent for their part in raising the Armenian Martyrs Memorial Monument, a truly fine memorial in the cause of humanitarianism; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the Armenian Monuments Council.

RESOLUTION CHAPTER 64

Senate Concurrent Resolution No. 50—Relative to the Society for the Prevention of Cruelty to Animals.

[Filed with Secretary of State April 17, 1968.]

WHEREAS, It has come to the attention of the Members of the Senate that on April 18, 1968, the San Francisco Society for the Prevention of Cruelty to Animals will celebrate its 100th Anniversary; and

WHEREAS, This society was the first of its kind in California and is the fourth oldest anticruelty society in the United States; and

WHEREAS, James Hutchinson supplied the motivating force behind the establishment of the society in 1868 by calling upon a number of prominent citizens and requesting that they join him in attempting to alleviate the inhumane treatment being accorded to animals on San Francisco streets; and

WHEREAS, The citizens who gathered in the Health Office of San Francisco's City Hall in response to Mr. Hutchinson's plea chose Dr. Henry Gibbons as their chairman, and he named a committee composed of Walter Van Dyke, W. P. Moffatt, J. S. Hutchinson, W. H. Dalrymple, and Joseph A. Woodson to select 25 citizens as "incorporators" to proceed with the incorporation of the society; and

WHEREAS, This committee did its work so well that 10 days later, on April 18, 1868, the San Francisco Society for the Prevention of Cruelty to Animals was incorporated to take its place as one of the pioneer humane societies which were to extend their protection to countless thousands of animals, and their benevolent influences to millions of others throughout the United States and many foreign countries; and

WHEREAS, Throughout its history the society, in its attempt to prevent cruelty to animals, found itself engaged in projects which ranged from support of legislation to prohibit cockfighting, dogfighting, and other similar "sports" to an awareness of the problems caused by overcrowded horse cars; and

WHEREAS, The society's staff has grown from one volunteer secretary in 1868 who handled a few cases during the first year of existence to over 65 employees who handle more than 48,000 cases per year involving over 55,000 animals; and

WHEREAS, Activities have expanded to include not only the prosecution of individual cases of cruelty but also humane education of the public at large, operation of an animal shelter, and an animal hospital, and the administration of the Public Pound Department; and

WHEREAS, The society, under the direction of its Executive Vice President, Charles W. Friedrichs, has continued its progress with the completion recently of Phase II of the Memorial Shelter Project; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members commend the San Francisco Society for the Prevention of Cruelty to Animals upon the completion of its first hundred years of devoted service to the State of California and by this resolution express their belief that the coming years will see the society achieve even greater successes; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Charles W. Friedrichs, Executive Vice President, San Francisco Society for the Prevention of Cruelty to Animals; Gerald R. Dalmadge, Treasurer, State Humane Association; and Rutherford T. Phillips, Executive Director, American Humane Association.

RESOLUTION CHAPTER 65

Senate Concurrent Resolution No. 45—Relative to proclaiming the month of April as Cancer Control Month.

[Filed with Secretary of State April 19, 1968.]

WHEREAS, Encouraging progress is being made against cancer in California through the systematic application of research advances to the diagnosis and treatment of cancer patients; and

WHEREAS, Since 1940, the crude death rate for cancer in California has been falling, while throughout the nation generally it has increased; and

WHEREAS, Programs of professional and public education are the chief avenues through which lifesaving information about cancer is being conveyed to practicing physicians, paramedical groups, and the general public; and

WHEREAS, Local units of the American Cancer Society concentrate during their annual April Cancer Crusade on acquainting Californians with practical methods for protecting themselves against cancer; and

WHEREAS, The American Cancer Society's funds are used to support massive programs of cancer research which are closely integrated with those of governmental agencies; and

WHEREAS, The society, in addition, maintains service programs throughout California to help alleviate physical, social, and economic distress caused by cancer; and

WHEREAS, The voluntary education, research, and service activities of the society provide a useful and valued public service which contributes to the saving of lives and is available to citizens of every county without cost; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to honor the efforts of 150,000 volunteers who will participate in this year's Cancer Crusade by designating the period of April 1 to 30, inclusive, 1968, as Cancer Control Month in this state; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 66

Assembly Concurrent Resolution No. 92—Approving certain amendments to the Charter of the City of Chula Vista, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on April 9, 1968.

[Filed with Secretary of State April 19, 1968.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth, to the Charter of the City of Chula Vista, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

State of California }
County of San Diego } ss.
City of Chula Vista }

We, the undersigned, Daniel A. McCorquodale, Mayor of the City of Chula Vista, and Kenneth P. Campbell, City Clerk of said City, do hereby certify and declare as follows:

The City of Chula Vista, a municipal corporation, is now and since the year 1949 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8, Article XI of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion, proposed to the qualified electors of the City of Chula Vista certain amendments to the Charter of said City, which amendments were designated as Propositions B, C, D, E, F, G and H, and submitted said propositions to the qualified electors of the City of Chula Vista at the regular municipal election held on April 9, 1968.

That said proposed charter amendments were published and advertised in the Chula Vista Star News, a newspaper duly designated and qualified as a newspaper entitled to publish legal notices, published in the City of Chula Vista and published in the edition of February 22, 1968

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said city, and that until the date fixed for the election herein described, a notice was advertised and published in the Chula Vista Star News, a daily newspaper of general circulation published in the City of Chula Vista, and the official news-

paper of said City, that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City.

That such copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City until the date fixed for said election.

That said proposed amendments were submitted to the qualified electors of said City at the regular municipal election held in said City.

That at said election on said proposed amendments to the Charter of the City of Chula Vista, a majority of the qualified voters of the City voting on said proposed amendments voted in favor of Propositions B, C, D, E, F, G and H, and said proposed amendments were ratified by a majority of the qualified electors of said City voting thereon.

That all of said proceedings were duly and regularly had and taken in accordance with Section 8 of Article XI of the Constitution of the State of California, the laws of the State of California, and the Charter of the City of Chula Vista.

That as to the amendments to the Charter of the City of Chula Vista hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of the City of Chula Vista which were so ratified by a majority of the electors of said City are in words and figures as follows:

Proposition B

Amend Article III, Section 302 thereof, of the Charter of the City of Chula Vista to be and to read as follows:

Section 302. Compensation for Councilmen.

The Councilmen of the City Council shall receive, as compensation for their services, the amount authorized under State law for councilmen of general law and charter cities, in accordance with the schedule established by such State law provisions, upon the enactment of the necessary ordinance providing for such salary, and shall receive reimbursement on order of the City Council for Council-authorized traveling and other expenses when on official duty out of the City. In addition, each Councilman shall receive the sum of fifty dollars ($50.00) per month which amount shall be deemed to be reimbursement of other out-of-pocket expenditures and costs imposed upon him in serving as a City Councilman. The City Council may also provide, by resolution, for the payment to the Councilmen of an allowance or a sum certain per month, to reimburse them for the additional demands and expenses made upon and incurred by them in serving as Councilmen.

Proposition C

Amend Article V, Section 503 thereof, of the Charter of the City of Chula Vista to be and to read as follows:

Section 503. City Attorney, Powers and Duties.

To become eligible for City Attorney, the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California. The City Attorney shall have power and be required to:

(a) Represent and advise the City Council and all city officers in all matters of law pertaining to their offices;

(b) Represent and appear for the City and any city officer or employee, or former city officer or employee, in any or all actions and proceedings in which the City or any such officer or employee in or by reasons of his official capacity, is concerned or is a party;

(c) Attend all regular meetings of the City Council and give his advice or opinion in writing whenever requested to do so by the City Council or by any of the boards or officers of the City;

(d) Approve the form of all contracts made by and all bonds given to the City, endorsing his approval thereon in writing;

(e) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto;

(f) Prosecute, if so directed by ordinance of the City Council, all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required of him by law, and shall have concurrent jurisdiction with the District Attorney of the County of San Diego to prosecute persons charged with or guilty of the violation of the State laws occurring within the City limits of the City of Chula Vista for offenses constituting misdemeanors;

(g) Devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation for such office; and

(h) Surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.

Proposition D

Amend Article VI, Section 612 thereof, and delete Section 615, amend Article VIII, Sections 801 and 802 thereof, amend Article V, Section 500, and delete Section 504 of the Charter of the City of Chula Vista to be and to read as follows:

Section 612 Civil Service Commission. Powers and Duties.

The Civil Service Commission shall have power and be required to:

(a) Recommend to the City Council, after a public hearing thereof, the adoption, amendment or repeal of civil service rules and regulations not in conflict with this Article;

(b) Hear appeals of any person in the Classified Service relative to any suspension, demotion or dismissal; and

(c) Make recommendations to the City Council on compensation being paid for each class of position under the Classified Service and hourly part-time classes and of hours of labor, sick leaves and vacations applicable to each such class, at least once a year and at such other time as the City Council may request Such recommendations may include:

Comparisons with rates of pay for comparable service in commercial and industrial establishments and in other public employment;

Surveys of prevailing market rates, costs and standards of living and of the City's policies, finances and means with respect to the Classified Service;

(d) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council and Administrative Officer.

Section 615. Harbor Commission. Delete

Section 801. Unclassified and Classified Service.

The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

(a) Unclassified Service. The Unclassified Service shall include the following officers and positions:

1. All elective officers;

2. Administrative Officer, Finance Officer, City Attorney, and one private secretary to the Administrative Officer;

3. All members of boards and commissions;

4. Positions in any class or grade created for a special or temporary purpose and which may exist for a period of not more than ninety days in any one calendar year;

5. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character; and

6 Part-time employees paid on an hourly or per diem basis.

(b) Classified Service. The Classified Service shall comprise all positions not specifically included by this Section in the Unclassified Service.

(c) Any person holding a position or employment included in the Classified Service who, on the effective date of this Charter, shall have served continuously in such position, or in some other position included in the Classified Service, for a period of six months immediately prior to such effective date, shall automatically be granted regular status in the Classified Service in the position held on such effective date, without preliminary examinations or other tests, and shall thereafter be subject in all respects to the provisions of the Civil Service system provided for in this Charter.

Any person holding such a position or employment who, on the effective date of this Charter, shall have served in the Classified Service for a period of less than six months immediately prior to such effective date shall automatically be granted the status of a probationary appointee in the position held on such effective date, without preliminary examinations

or other tests, and the length of his service in the position shall be credited to his probationary period as provided for in this Article.

(d) The person holding the position of Librarian, an Unclassified position prior to the effective date of this amendment, if he shall have served continuously in such position for the period of six months immediately prior to such effective date, shall assume regular status in the Classified Service in said position.

Section 802 Appointment and Duties of Personnel Clerk. Delete

Section 500. Officers to be Appointed by the City Council.

In addition to the Administrative Officer, there shall be a City Attorney and a City Clerk who shall be appointed by and serve at the pleasure of the City Council.

Subject to the civil service provisions of this Charter all other officers and department heads of the City shall be appointed by the Administrative Officer subject to the approval of the City Council.

Section 504. City Judge. Delete

Proposition E

Amend Article XI, Section 1109 thereof, of the Charter of the City of Chula Vista to be and to read as follows:

Section 1109. Contracts on Public Works.

Every project involving an expenditure of three thousand dollars or more for the construction, reconstruction, improvement or repair of public buildings, streets, drains, sewers, utilities, parks and playgrounds, and other public works, and the furnishing of supplies, materials, equipment or contractual services for same shall be done by written contract except as otherwise provided in this Charter, and the Council, upon the recommendation of the Administrative Officer, shall let said contract to the lowest responsible bidder after notice by publication in the official newspaper for sealed bids for the work contemplated by one or more insertions, the first of which shall be at least ten days before the time for opening bids. If the cost of said public works project is more than the sum of one thousand dollars but less than three thousand dollars, the City Council may let said contract without advertising for bids after the Administrative Officer or his designated agent has secured competitive prices from interested contractors, which shall be considered by the Council before said contract is let.

The City Council may, however, declare and determine that in its opinion, based upon estimates approved by, and the recommendations of, the Administrative Officer, that said projects may be excepted from the requirements of this section because the work in question may be performed better or more economically by the City with its own employees, and by a resolution to this effect, adopted by at least four affirmative

votes of the Council, order the performance of any such construction, reconstruction, improvement or repair by appropriate City force.

All bids, of more than one thousand dollars, shall be accompanied by either a certified, or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten percent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The City Council shall be competent in awarding any contract to compare bids on the basis of time completion, provided that when any award has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, the performance in accordance with such time limits shall be secured by a surety bond as hereinabove provided with adequate sureties and penalties, and provided further, that for any contract awarded solely or partially on a specified time for completion, the Council shall not extend such time limits unless such extension be recommended by the Administrative Officer and the head of the department concerned.

The City Council may reject any and all bids presented and may readvertise in its discretion.

Contracts may likewise be let without advertising for bids if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by at least four affirmative votes of the Council and containing a declaration of the facts constituting such urgency; provided, however, that nothing in this section shall prevent the Administrative Officer from taking any and all means necessary to make emergency repairs in the event of immediate need arising from any calamity or disaster.

Proposition F

Amend Article VI, Section 613 thereof, of the Charter of the City of Chula Vista to be and to read as follows:

Section 613 Parks and Recreation Commission.

There shall be a Parks and Recreation Commission consisting of at least five members to be appointed by the City Council from the qualified electors of the City and no members of said Commission shall hold any paid office or employment in the City government. The number of members to comprise

the Commission may be changed by ordinance of the City Council.

In the event the City Council contracts with other agencies interested in recreation and parks for the joint exercise of any of such functions, such contract may provide for representation on the Commission of representatives of such agencies during the existence of such contract or extensions thereof.

Proposition G

Amend Article VII, Section 809 thereof, and delete Section 810 of the Charter of the City of Chula Vista to be and to read as follows:

Section 809. Improper Political Activity.

No elective or appointive officer or employee of the City of Chula Vista, whether employed in the classified or unclassified service, shall:

(a) Directly or indirectly use, promise, threaten or attempt to use any official influence in aid of any partisan political activity, or to affect the result of any election to partisan or political office or upon any other corrupt condition or consideration;

(b) Solicit or coerce from any other officer or employee of the City of Chula Vista any political assessment, subscription or contribution;

(c) Engage in any political activity while in the uniform prescribed for any officer or employee of the City of Chula Vista or during any hours in which he has been directed to perform his assigned duties;

(d) Become a candidate or accept the nomination to the office of Mayor or Councilman if he is appointed by the City Council without first resigning his position, except that no such officer or employee who becomes a candidate for Council need resign if the incumbents do not become candidates for such offices in that election.

Nothing in this Article shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his or her vote or from seeking or accepting election or appointment to public office.

Any willful violation thereof or violation through culpable negligence shall be sufficient grounds to authorize the discharge of an officer or employee

No person in the Classified Service, or seeking admission thereto, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief, except that no one shall be eligible to hold a position with this City who advocates the overthrow of our form of government by force or violence.

Section 810. Solicitation of Contributions. Delete

Proposition H

Amend Article V, Section 513 thereof, of the Charter of the City of Chula Vista to be and to read as follows:

Section 513. Oath of Office.

Each member of the City Council and of every board and commission and each officer, department head and full-time employee, before entering upon the discharge of the duties of his office, shall take, subscribe to and file with the City Clerk the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California; that I will, in all respects, observe the provisions of this Charter and the ordinances of the City of Chula Vista; that I will faithfully discharge the duties of the office of (here inserting name of office) according to the best of my ability; and that I do not advocate the overthrow of the government of the United States by force or violence."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Chula Vista with the original proposal submitting same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Chula Vista to be affixed hereto this 16th day of April, 1968.

DANIEL A. MCCORQUODALE
(SEAL) Mayor of The City of Chula Vista, California
KENNETH P. CAMPBELL
City Clerk of The City of Chula Vista, California

and

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8, Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Chula Vista, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of said City of Chula Vista.

RESOLUTION CHAPTER 67

Assembly Concurrent Resolution No. 41—Relative to the establishment of two pilot projects for the treatment and rehabilitation of users of restricted dangerous drugs.

[Filed with Secretary of State April 23, 1968.]

WHEREAS, Evidence presented to the Legislature indicates that there is an ever increasing number of persons, many of them youngsters, who are suffering from physical or psychological damage as the result of the abuse of restricted dangerous drugs; and

WHEREAS, The Members of the Legislature are greatly concerned about this problem and favor effective measures to treat and rehabilitate persons who abuse such drugs; and

WHEREAS, With the exception of a few small experimental programs, there are no public facilities or programs within the State of California specifically designed to treat, care for and rehabilitate such individuals; and

WHEREAS, The Members of the Legislature believe that this lack of existing facilities and the increasing number of drug abusers make it imperative that the state establish a program capable of caring for and rehabilitating such persons; and

WHEREAS, Evidence presented to the Legislature indicates that there does not exist at the present time sufficient knowledge or experience which would allow the Legislature to determine with any degree of certainty what type of program could be most effectively developed and administered by the state; and

WHEREAS, Evidence presented to the Legislature further indicates that there may be a need to develop a flexible program encompassing different methods of treatment in order to effectively reach distinctly differing elements of the drug-abusing population; and

WHEREAS, It appears, therefore, that there is a need to establish pilot projects capable of utilizing and experimenting with the different resources and treatment techniques available to both community-oriented programs and institutional programs; and

WHEREAS, The Legislature believes that two such pilot projects should be established, one to operate in a community setting and the other to operate in an institutional setting, and that the two projects should function under separate authority in order to facilitate a certain independence in approach and experimentation, while at the same time attempting to complement each other through the lending of ideas and personnel, and, to the extent appropriate, referring patients between the two programs; and

WHEREAS, The Legislature believes that both such projects should be located in the same general locale in order to facilitate such cooperation; and

WHEREAS, The San Francisco Bay area contains a high concentration of restricted dangerous drug abusers as well as many of the existing, though inadequate, treatment programs whose personnel would be available as consultants to or participants in such projects; and

WHEREAS, It appears that federal funds are available for use in financing experimental state programs designed to treat, care for and rehabilitate dangerous drug abusers; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Health and Welfare Agency is requested to establish two pilot projects for the treatment and rehabilitation of restricted dangerous drug abusers; one to operate as an institutional project and to be located in an appropriate state institution in the San Francisco Bay area and the other to operate as a community-oriented project and to be located in one of the high drug abuse areas of the San Francisco Bay area; and be it further

Resolved, That both such pilot projects should be financed to the greatest extent possible through federal funds available for such projects; and be it further

Resolved, That such agency shall report to the Legislature, on a semiannual basis, the results of such programs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Administrator of the Health and Welfare Agency and to the National Institute of Mental Health and any other federal agency making funds available for such projects.

RESOLUTION CHAPTER 68

Assembly Concurrent Resolution No. 84—Approving amendments to the Charter of the City of Piedmont, County of Alameda, State of California, ratified by the qualified electors of the city at a regular municipal election held therein on February 27, 1968.

[Filed with Secretary of State April 23, 1968.]

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of amendments to the Charter of the City of Piedmont, County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and clerk of the city as follows:

PETITION OF CITY OF PIEDMONT, A MUNICIPAL CORPORATION, IN THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, FOR APPROVAL OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF PIEDMONT, VOTED FOR AND RATIFIED BY THE QUALIFIED ELECTORS

OF SAID CITY AT A GENERAL MUNICIPAL ELECTION HELD IN THE CITY OF PIEDMONT ON THE 27TH DAY OF FEBRUARY, 1968.

State of California
County of Alameda } ss
City of Piedmont

We, the undersigned, H. Dean Hoskins, M. D., President of the Council of the City of Piedmont, State of California and E. Julian Dodelin, City Clerk of said City, do hereby certify and declare as follows:

That the City of Piedmont is a Municipal Corporation in the County of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than thirty-five hundred (3500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and is now organized, existing and acting under a freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said city at an election duly held for that purpose February 27, 1923, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 23rd day of March, 1923. (Statutes 1923, Page 1564).

That in pursuance of Section Eight of Article Eleven of the Constitution of the State of California, on its own motion the Council of the City of Piedmont being the legislative body of said city, by and in pursuance of certain Resolutions passed by the City Council on the 18th day of December, 1967, duly submitted to the qualified electors of said City of Piedmont, certain proposals for the amendment of the Charter of said City, to be voted on by said qualified voters at a General Municipal Election held in said City on the 27th day of February, 1968, which said proposals were and are in words and figures following, to wit:

PROPOSED CHARTER AMENDMENT A

Shall Sections 3, 4, 12, 15, 19, 28, 29, 31, 36, 37-B, 42 and Articles 1 and 7 of 47 of the Charter of the City of Piedmont be amended in the manner and to the extent set forth in that certain proposal entitled "Proposed Charter Amendment A" as published in The Piedmonter on January 10, 1968 for minor technical changes to up-date the Charter and make provision for items heretofore omitted?	YES	
	NO	

PROPOSITION A—FOR MINOR TECHNICAL CHANGES TO UP-DATE THE CHARTER

Shall certain Articles and Sections of the Charter of the City of Piedmont be amended in the manner and to the extent set forth below to be effective following the approval of the electorate of the City of Piedmont and upon its subsequent approval of the legislature of the State of California, but not to effect the term or continuing qualification requirements of any elective incumbent official of the City.

(All words to be deleted are underlined, and all words to be added are in light-face capital letters.)

Section 3. Powers.

Said city, by and through its council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the Constitution, and which it would be competent for this Charter to set forth particularly or specifically, including all powers now or hereafter granted to cities of the sixth class; and the specification herein of any particular powers shall not be held to be exclusive or any limitation of this general grant of powers.

Section 4. The council.

The legislative body of said city shall consist of five persons elected at large, which body shall be known as the council.

The members of the council shall be elected from the city at large by the qualified voters of said city at a general municipal election to be held therein, every even-numbered year as hereinafter provided. They shall hold office for the period of four years from and after the second Monday following the day of their election and until their successors are elected and qualified; provided, however, that the members of the board of trustees who shall be in office at the time this Charter is approved by the Legislature shall retain the office to which each was elected and become and constitute the Council, and that two members of the council shall be elected at the regular municipal election held as herein provided in 1924, and three members thereof at such election in 1926, and thereafter in similar rotation each even numbered year.

The members of the council shall not receive any compensation, nor shall they be eligible to any other office or employment with the city, other than is in this Charter expressly provided.

No person shall be eligible to hold office as a member of the council unless he shall have been a resident and PHYSICALLY RESIDED IN THE CITY AND BEEN AN elector of said city for at least two years next preceding the date of

his election or appointment., AND SHALL THEREAFTER CONTINUE TO PHYSICALLY RESIDE IN THE CITY AND REMAIN AN ELECTOR OF THE CITY.

Section 12. City Clerk.

There shall be a city clerk appointed by the council. It shall be his duty to keep a full, true and correct record of the proceedings of the council and board of equalization and other books and accounts as are now required by law for CITY clerks of the cities of the sixth class, and may be required of him by resolution or ordinance of the council All powers, except as in this Charter otherwise provided, now or hereafter conferred upon the CITY clerk CLERKS of cities of the sixth class by law, shall be exercised by the city clerk. He shall have such other powers and perform such other duties as may be prescribed by resolution or ordinance. THE CITY ADMINISTRATOR MAY ALSO HOLD THE OFFICE OF CITY CLERK, IF SO APPOINTED BY THE COUNCIL.

Section 15. City assessor.

There shall be a city assessor, of which office the city clerk shall be ex officio incumbent It shall be the duty of the assessor, EACH YEAR, as soon after the first Monday of March each year, as practicable, to make a full, true and correct assessment of all taxable property within the city, owned or possessed by any person, board or corporation, at 12 o'clock noon 12:01 A.M. on the first Monday in OF March of each year. He shall make out lists, giving the names of owners and description and value of the property, following the form, as nearly as may be, required by the laws of the state governing county assessors.

Section 19. City auditor.

There shall be a city auditor appointed by the council who shall perform such duties and possess such powers as shall be prescribed by resolution or ordinance of the council. THE CITY ADMINISTRATOR MAY ALSO HOLD THE OFFICE OF CITY AUDITOR IF SO APPOINTED BY THE COUNCIL.

Section 28. Elections.

General municipal elections shall be held in said city on the last Tuesday in February in each even numbered year in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities of the sixth class insofar as the same are not in conflict with this Charter.

Section 29. Vacancies.

A vacancy in any elective office, other than that of an elective member of the board of education, from whatever cause arising, shall be filled by appointment by the council, such appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term; provided that if the council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the mayor; provided, however, that if for any reason the seats of a majority of the council shall become vacant, then the city clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any officer of the city shall remove from the city or absent himself therefrom for more than sixty days consecutively without the permission of the council, or shall fail to qualify OR TO REMAIN QUALIFIED or shall resign or be convicted of a felony, or be adjudged insane his office shall thereupon become vacant.

Section 31. Public improvements and street work.

All public improvements, including the improving, widening or opening of streets or highways may be done under and in pursuance of the general laws of the state or procedure ordinance adopted by the council or the electors, and the whole or any portion of the cost thereof paid out of the city treasury or assessed on the property benefited. ALL SUCH PUBLIC IMPROVEMENTS SHALL BE COMMENCED ONLY AFTER THE CONTRACTOR ASSUMING THE OBLIGATION OF COMPLETING SUCH WORK SHALL HAVE FIRST FILED WITH THE CITY SURETY BONDS AS SECURITY FOR THE FAITHFUL PERFORMANCE OF THE CONTRACT FOR SUCH WORK, AND AS SECURITY FOR THE PAYMENT OF ALL PERSONS PERFORMING LABOR AND FURNISHING MATERIALS IN CONNECTION WITH SUCH CONTRACT, THE AMOUNT OF SUCH BONDS TO BE AS PROVIDED BY THE COUNCIL BY ORDINANCE.

Section 36. Taxation.

The council by ordinance shall provide a system for the assessment, levy, collection and equalization of taxes, and that all sales for delinquent taxes shall be made to the city of Piedmont. Should the council fail to fix the tax rate within the time prescribed, IN SUCH ORDINANCE, then the tax rate of the previous year shall constitute the rate for the current year.

Section 37-B. Temporary loans.

When funds shall be needed for the immediate requirements of the city in any fiscal year in accordance with appropriations made for such fiscal year, which payments may be made in advance of the receipt of income for such fiscal year, and when funds therefor can not be made available as hereinbefore in this section authorized, the city council shall have power, by ordinance, to borrow funds on notes or other evidence of indebtedness on behalf of the city in aggregate amount not to exceed twenty-five (25) per centum of the estimated tax receipts for such current fiscal year. All such notes or other evidence of indebtedness shall be offered at public sale by the city council after not less than two days of advertising, not less than three days after the last day on which such advertising is published. Each such sale shall be made to the bidder offering the lowest rate of interest or whose bid represents the lowest net cost to the city; provided, however, that the rate of interest to be paid shall not exceed the sum of six (6) per centum per annum. The repayment of any sum so borrowed from any person, firm or corporation pursuant to the authority of this section, shall constitute a first lien and charge against the taxes collected during the half of the fiscal year in which said money was borrowed and shall be repaid to the person, firm or corporation from the first moneys received from said taxes. All such notes issued for funds borrowed prior to December 31st in any fiscal year to be repaid not later than said December 31st, and all other such notes for other funds borrowed in any fiscal year shall be repaid not later than the 15th day of May of such fiscal year, the intention of this paragraph of this section being that the making of said loans shall be solely for the purpose of anticipating receipt of income The city council, in preparing the budget estimate, shall include therein a separate amount sufficient to meet the interest to be paid on any funds borrowed under authority of this section. Nothing herein provided shall be construed to prevent the city from adopting any other procedure for temporary borrowing which may be authorized for cities of the sixth class by the Government Code of California.

Section 42. Official records.

All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office, provided, the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and

paying or tendering ten cents per folio of one hundred words for such copies or extracts and the additional sum of twenty-five cents for certifying. THE COST OF REPRODUCING SUCH COPIES, SUCH COST TO BE DETERMINED BY THE COUNCIL FROM TIME TO TIME.

All officers, and boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control.

Section 47. Pension plan for police and fire departments of City of Piedmont.

ARTICLE 1. Pension board. A board is hereby created whose duty it shall be to handle and administer pensions for retired members and benefits for members, their nominees and the widows and minor children of deceased members of the police and fire departments of the City of Piedmont. The pension board shall consist of the mayor, city treasurer, one councilman, one member of the police department and one member of the fire department. Each said department member shall be selected from the rank and file of each of his respective departments. The council members MEMBER shall be selected by the members of the council of the City of Piedmont.

The pension board shall select its own chairman and secretary and shall administer all matters pertaining to pensions in accordance with the provisions of this section 47.

The pension board shall have power, by resolution, to provide rules and regulations for the administration of all matters pertaining to pensions and benefits hereunder. AND SHALL INVEST THE PENSION FUNDS, OR DIRECT THAT THEIR INVESTMENTS BE MADE BY OR THROUGH INVESTMENT COUNSEL, TRUST COMPANIES OR TRUST DEPARTMENTS OF BANKS, OR ANY COMBINATION THEREOF, IN ACCORDANCE WITH CITY ORDINANCES APPLICABLE TO THE INVESTMENT OF FUNDS OF MUNICIPAL RETIREMENT SYSTEMS, AND IF THERE BE NONE, IN ACCORDANCE WITH STATE LAW.

ARTICLE 7. Ordinary Death; Termination of Employment; Death Before Eligibility. In the event a member hereafter dies from natural causes before retirement (and his death is not due to an injury, disability or disease received in the course of his employment and in the performance of his duty), a sum equal to the aggregate amount of payments paid by such member into said Fund together with the pro rata of interest earned by such deceased member's contributions to the Fund from the date of deposit as determined by

the Pension Board, and a sum equal to twice the monthly salary the deceased member received for his last month of active service shall be paid from said Fund, and not otherwise, to his heirs or legal representatives or to such person said member shall have nominated by written designation, duly executed and filed with said Board; provided however that in the event said member is married, the nomination shall not be considered valid unless the execution thereof is joined in by his lawful wife. EXCEPT MEMBERS WHO ARE THEN ELIGIBLE FOR RETIREMENT, IN THE EVENT A MEMBER HEREAFTER DIES FROM NATURAL CAUSES BEFORE RETIREMENT, (AND HIS DEATH IS NOT DUE TO AN INJURY, DISABILITY OR DISEASE RECEIVED IN THE COURSE OF HIS EMPLOYMENT AND IN THE PERFORMANCE OF HIS DUTY), A SUM EQUAL TO THE AGGREGATE AMOUNT OF PAYMENTS PAID BY SUCH MEMBER INTO SAID FUND TOGETHER WITH THE PRO RATA OF INTEREST EARNED BY SUCH DECEASED MEMBER'S CONTRIBUTIONS TO THE FUND FROM THE DATE OF DEPOSIT AS DETERMINED BY THE PENSION BOARD, AND A SUM EQUAL TO TWICE THE MONTHLY SALARY THE DECEASED MEMBER RECEIVED FOR HIS LAST MONTH OF ACTIVE SERVICE SHALL BE PAID FROM SAID FUND, AND NOT OTHERWISE, TO HIS HEIRS OR LEGAL REPRESENTATIVES OR TO SUCH PERSON SAID MEMBER SHALL HAVE NOMINATED BY WRITTEN DESIGNATION, DULY EXECUTED AND FILED WITH SAID BOARD; PROVIDED HOWEVER THAT IN THE EVENT SAID MEMBER IS MARRIED, THE NOMINATION SHALL NOT BE CONSIDERED VALID UNLESS THE EXECUTION THEREOF IS JOINED IN BY HIS LAWFUL WIFE.

IN THE EVENT A MEMBER WHO IS THEN ELIGIBLE FOR RETIREMENT HEREAFTER DIES FROM NATURAL CAUSES BEFORE RETIREMENT, (AND HIS DEATH IS NOT DUE TO AN INJURY, DISABILITY, OR DISEASE RECEIVED IN THE COURSE OF HIS EMPLOYMENT AND THE PERFORMANCE OF HIS DUTY), SUCH MEMBER SHALL BE CONSIDERED AS HAVING RETIRED THE DAY BEFORE HIS DEATH, AND HIS WIDOW, AS DEFINED IN ARTICLE 12, SHALL HAVE THE OPTION OF RECEIVING EITHER THE BENEFITS TO WHICH SHE WOULD BE ENTITLED UNDER ARTICLE 10 AS THE SURVIVOR OF A RETIRED MEMBER, OR THE PAYMENTS FROM THE FUND PROVIDED IN THE FIRST PARAGRAPH OF THIS ARTICLE 7. SUCH OPTION MAY BE EFFECTIVELY EXERCISED BY THE MEMBER, PRIOR TO HIS DEATH, SO AS TO BE BINDING UPON HIS WIDOW UNDER PROCEDURES ESTAB-

LISHED BY THE PENSION BOARD IF THERE IS NO SURVIVING WIDOW PAYMENTS SHALL BE MADE FROM THE FUND IN ACCORDANCE WITH THE FIRST PARAGRAPH OF THIS ARTICLE 7.

In the event a member hereafter leaves the service before retirement and has rendered satisfactory service, and the Board shall so find and shall give to such member a certificate of honorable dismissal, a sum equal to the aggregate amount of the payments paid by said member into said Fund, together with the pro rata of interest earned by such member's contributions to the Fund from the date of deposit as determined by the Pension Board shall be paid from said Fund, and not otherwise, to said member so leaving the service.

Also in the event a retired member and his widow hereafter die before the member and his widow collectively have received in pension payments a sum equal in the aggregate to the aggregate amount paid by said member into said Fund, a sum equal to the difference between the said aggregate sum received in pension payments by said retired member and his widow and the aggregate sum paid into said Fund by said member plus his pro rata of interest earned by his contributions to the Fund from the date of deposit to date of retirement as determined by the Pension Board shall be paid from said Fund, and not otherwise to his heirs or legal representatives or to such person said member shall have nominated by written designation, duly executed and filed with the said Board, provided, however, that in the event said member is married, the nomination shall not be considered valid unless the execution thereof is joined in by his lawful wife.

Notwithstanding any payments paid to any member as provided in Article 7 herein, no payments theretofore made to the Fund by the City shall be withdrawn by said City except for the payments made or authorized under the provisions of Article 6 and 10 hereof.

PROPOSED CHARTER AMENDMENT B

Shall Article 6, 10 and 11 of Section 47 of the Charter of the City of Piedmont be amended in the manner and to the extent set forth in that certain proposal entitled "Proposed Charter Amendment B" as published in The Piedmonter on January 10, 1968 for a pension to a policeman or fireman which shall be based upon a member's average salary over a lesser number of months than is now provided?	YES	
	NO	

PROPOSITION B—POLICEMEN'S AND FIREMEN'S PENSION COMPUTATION

Shall certain Articles of Section 47 of the Charter of the City of Piedmont be amended in the manner and to the extent set forth below to be effective following the approval of the electorate of the City of Piedmont and upon subsequent approval of the legislature of the State of California, but to apply to the pensions of all members who retire or have retired on or after January 1, 1968:

(All words to be deleted are underlined, and all words to be added are in light-face capital letters.)

Article 6. Industrial death or disability.

Whenever a member shall lose his life due to an injury, disability or disease caused by and received in the course of his employment and in the performance of his duty, then upon satisfactory proof of such facts made to it, said board shall order and direct a sum equal to 50% of the average salary of the deceased member for the last five years SUM PROVIDED FOR IN THE LAST PARAGRAPH OF THIS ARTICLE, SAID SUM to be paid MONTHLY from said fund, and not otherwise, to the widow of said deceased member as long as she shall remain unmarried LIVE, OR UNTIL SHE SHALL EARLIER REMARRY.

Should said deceased member leave no widow but should leave an orphan child or children under the age of eighteen (18) years, or should the deceased member leave a widow and child or children under the age of eighteen (18) years and the widow die without remarrying while such child or children are yet under the age of eighteen (18) years, said monthly amount shall be paid to such child or children collectively WHO ARE UNDER THE AGE OF EIGHTEEN (18) YEARS AND SUCH PAYMENT SHALL CONTINUE until the youngest child attains the age of eighteen (18) years, provided, that no child shall receive any payment after attaining the age of eighteen (18) years or after marrying before attaining the age of eighteen (18) years.

Whenever a member is disabled, as a result of accident, injury, disability or disease, directly caused by and received in the course of employment and in the performance of his duty he shall receive in the aggregate, either by way of workmen's compensation social security, or the pension plan, and upon satisfactory proof of such facts made to the board and upon order and direction of the board a monthly payment of an amount equal to the salary he was receiving at the time of the accident, . IS SUFFICIENTLY DISABLED THAT HE IS NO LONGER ABLE TO PERFORM HIS REGULAR DUTIES, THEN UPON SATISFACTORY PROOF OF

SUCH FACT MADE TO IT, THE BOARD SHALL ORDER AND DIRECT THAT SUCH MEMBER BE PAID FROM THE FUND A MONTHLY SUM SUFFICIENT TO MAKE UP THE DIFFERENCE BETWEEN THE WORKMAN'S COMPENSATION AND SOCIAL SECURITY PAYMENTS TO WHICH SUCH MEMBER IS OTHERWISE ENTITLED, AND THE MONTHLY SALARY HE WAS RECEIVING AT THE TIME OF HIS DISABILITY. SUCH MONTHLY SUM TO BE PAID for a period not to exceed one year or for such lesser time as such member's disability shall terminate, CONTINUE, and if such PERIOD OF disability exceeds EXTENDS beyond one year, then the board shall order and direct the monthly payment FROM THE PENSION FUND to said SUCH member of an amount equal to 50% of the average salary received by such member during the period of five (5) years immediately preceding the date of the accident, injury, disability or disease of said member. SUM PROVIDED FOR IN THE LAST PARAGRAPH OF THIS ARTICLE. SAID PAYMENTS TO CONTINUE until such member's disability terminates or until such member's death ; PROVIDED, HOWEVER, THAT SHOULD THE CITY CONTINUE TO PAY THE SALARY OF SUCH DISABLED MEMBER DURING THE PERIOD OF DISABILITY AND AT A TIME DURING WHICH THE PENSION PLAN SHOULD BE MAKING PAYMENTS TO SUCH MEMBER, THE CITY, RATHER THAN THE DISABLED MEMBER, SHALL RECEIVE FROM THE PENSION FUND SUCH PAYMENTS AS THE DISABLED MEMBER WOULD HAVE OTHERWISE BEEN ENTITLED TO RECEIVE FROM THE FUND DURING SUCH PERIOD THAT THE CITY CONTINUES TO PAY SUCH DISABLED MEMBER'S SALARY; PROVIDED, FURTHER, THAT SHOULD SUCH PERIOD OF DISABILITY EXTEND BEYOND ONE YEAR, AND, AT SUCH TIME SUCH DISABLED MEMBER SHALL HAVE ACCRUED SICK LEAVE DUE HIM FROM THE CITY, THEN SUCH DISABLED MEMBER SHALL FIRST BE RESTORED TO FULL SALARY BY THE CITY DURING A PERIOD EQUAL TO HIS ACCRUED SICK LEAVE, AND ONLY THEREAFTER SHALL HE BE PAID THE 50% MONTHLY PENSION FROM THE PENSION FUND AS HEREINABOVE PROVIDED.

Upon the death of a member who is receiving monthly disability pension payments from the pension fund pursuant to this article, his widow, as defined in article 12, shall receive from the fund so long as she shall remain unmarried and until her death, LIVE, OR UNTIL SHE SHALL EARLIER REMARRY, a monthly pension equal to 25% of the average salary received by such member during the period of five (5)

years immediately preceding the date of the accident, injury, disability or disease of said member. SUM PROVIDED FOR IN THE LAST PARAGRAPH OF THIS ARTICLE.

All payments set forth in this Article 6 shall be subject to the deductions set forth in Article 9 of this Section 47.

THE SUM TO WHICH REFERENCE IS HEREINABOVE MADE IS THE AVERAGE MONTHLY SALARY RECEIVED BY SUCH MEMBER DURING THE PERIOD OF TWELVE MONTHS IMMEDIATELY PRECEDING THE DATE OF THE DEATH, ACCIDENT, INJURY, DISABILITY OR DISEASE OF SUCH MEMBER; PROVIDED, HOWEVER, THAT IF SUCH MEMBER HAS ADVANCED IN RANK AT ANY TIME DURING THE THREE (3) YEARS PRECEDING SUCH LAST-MENTIONED DATE, THE SUM TO WHICH REFERENCE IS HEREINABOVE MADE SHALL BE EQUAL TO THE FOLLOWING FRACTION:

THE SUM OF THE CURRENT MONTHLY SALARY PAID BY THE CITY ON SUCH DATE FOR EACH RANK HELD BY SUCH MEMBER DURING THE PRECEDING THIRTY-SIX (36) MONTHS WITH EACH SUCH SALARY MULTIPLIED BY THE NUMBER OF MONTHS DURING WHICH EACH SUCH RANK WAS HELD IN SAID THIRTY-SIX (36) MONTH PERIOD, DIVIDED BY THIRTY-SIX (36).

Article 10. Amount of pension; joint and survivor pension.

Whenever any member is retired by the board as provided in article 5 he shall receive from the fund for the remainder of his life a monthly pension in a sum equal to one-half of the average monthly salary received by such member during the period of five years TWELVE MONTHS immediately preceding the date of his retirement.; PROVIDED, HOWEVER, THAT IF SAID MEMBER HAS ADVANCED IN RANK AT ANY TIME DURING THE THREE (3) YEARS PRECEDING THE DATE OF HIS RETIREMENT HIS MONTHLY PENSION SHALL BE A SUM EQUAL TO ONE-HALF OF THE FOLLOWING FRACTION:

THE SUM OF THE CURRENT MONTHLY SALARY PAID BY THE CITY ON THE DATE OF RETIREMENT FOR EACH RANK HELD BY SAID MEMBER DURING THE PRECEDING THIRTY-SIX (36) MONTHS WITH EACH SUCH SALARY MULTIPLIED BY THE NUMBER OF MONTHS DURING WHICH EACH SUCH RANK WAS HELD IN SAID THIRTY-SIX (36) MONTH PERIOD, DIVIDED BY THIRTY-SIX (36).

BY WAY OF ILLUSTRATION, THE FRACTION IS AS FOLLOWS:

CURRENT SALARY FOR A RANK MULTIPLIED BY X MONTHS, PLUS
CURRENT SALARY FOR B RANK MULTIPLIED BY Y MONTHS, PLUS
CURRENT SALARY FOR C RANK MULTIPLIED BY Z MONTHS;
DIVIDED BY THIRTY-SIX (36),

WHERE A, B, AND C ARE THE RANKS HELD BY SAID MEMBER DURING THE SAID THIRTY-SIX (36) MONTH PERIOD, AND X PLUS Y PLUS Z EQUALS THIRTY-SIX (36).

In the event such member remains in service after reaching normal retirement age, (having been in active service for twenty-five (25) years and having attained the age of fifty-five (55) years), the contributions of both the member and the City of Piedmont shall continue until the employee is actually retired from active service and his pension shall be based upon the last five (5) years HIS AVERAGE MONTHLY SALARY FOR THE LAST TWELVE MONTHS of active service by such member., UNLESS HE WAS ADVANCED IN RANK DURING THE THIRTY-SIX (36) MONTH PERIOD IMMEDIATELY PRECEDING HIS RETIREMENT IN WHICH CASE THE AMOUNT OF SUCH PENSION SHALL BE COMPUTED AS PROVIDED IN THE FRACTION SET FORTH ABOVE.

Upon the death of a retired member who is receiving a monthly pension from the fund, his widow, as defined in article 12, shall receive from the fund, so long as she shall remain unmarried and until her death, a monthly pension in a sum equal to one-half of the monthly pension to be received by the member as HEREINABOVE set forth in the paragraph above. THIS ARTICLE.

Subject to such conditions as the pension board may prescribe at the time any member is retired by the board, as provided in article 5, he may SHALL have the option of electing a joint and survivor pension with someone other than his wife in lieu of the individual retirement pension as set forth in the first paragraph above. In the event a member elects to receive a joint and survivor pension such pension shall have the same actuarial value as the individual pension and shall provide for monthly payments to the survivor (joint annuitant) of the member for the remainder of such survivor's life in accordance with such actuarial value. Furthermore, in such event, the wife of the member, if any, must consent to such election.

Article 11. Disability—nonoccupational.

In the event a member has completed twenty (20) or more years of service and prior to or after reaching the age of

fifty-five (55) years such member becomes totally and permanently disabled due to nonoccupational bodily injury or disease, excluding self-inflicted injury or attempt at suicide, the City of Piedmont PENSION PLAN shall provide a pension for said SUCH member, commencing at the age of fifty-five (55) years or after fifty-five (55) years at the time of disability which shall be a sum equal to that fraction of the regular pension provided for under the first paragraph of article 10 hereof, represented by such member's completed years of service divided by twenty-five (25). IF SUCH DISABILITY OCCURS PRIOR TO REACHING THE AGE OF FIFTY-FIVE (55) YEARS OR AT THE TIME OF DISABILITY IF SUCH DISABILITY OCCURS AFTER REACHING THE AGE OF FIFTY-FIVE (55) YEARS, AND SUCH PENSION SHALL BE A SUM EQUAL TO ONE-HALF OF THE AVERAGE MONTHLY SALARY RECEIVED BY SUCH MEMBER DURING THE PERIOD OF TWELVE MONTHS IMMEDIATELY PRECEDING SUCH DISABILITY, MULTIPLIED BY A FRACTION OF WHICH THE MEMBER'S COMPLETED YEARS OF SERVICE AS THE NUMERATOR AND TWENTY-FIVE IS THE DENOMINATOR.

The term "total and permanent disability", as used in this section, is defined as incapacity of the member resulting from bodily injury or disease which prevents him from performing substantially all of the work pertaining to his occupation or any other occupation for which he is or may be suited by education, training or experience.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI, of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Piedmont in "The Piedmonter", which was then and there a newspaper of general circulation within said City of Piedmont, and in all the editions thereof issued during the day of publication there being no official newspaper printed and published within the said City of Piedmont.

That the City Council of the City of Piedmont, a legislative body of said City, by its certain resolutions passed on the 18th day of December, 1967, did order the holding of a General Municipal Election on the 27th day of February, 1968, and did provide in said resolutions for the submission of the proposed amendments to the Charter, to the qualified electors of said City for their ratification at such election.

That said election was duly called and held on the 27th day of February, 1968, and at said election a majority of qualified electors, voting thereon, voted in favor of and the ratification of, and did ratify the proposed amendments of the Charter of the City of Piedmont hereinbefore set forth.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of and ratified the said proposed amendments to said Charter as hereinbefore set forth, and we and each of us further certify that we have compared the foregoing enclosed and ratified amendments to the Charter of the City of Piedmont with the original proposals submitted to the electors of said City at the election held on the 27th day of February, 1968, and find that the foregoing are true, full, correct and exact copies thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Piedmont to be affixed hereto this 20th day of March, 1968.

H. DEAN HOSKINS, M. D.
President of the City Council
and Ex-officio Mayor

E. JULIAN DODELIN
City Clerk
Approved as to form:
WILLIAM P. JAEGER, JR.
City Attorney

and

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Piedmont, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of the City of Piedmont.

RESOLUTION CHAPTER 69

Assembly Concurrent Resolution No. 94—
Relative to Library Week.

[Filed with Secretary of State April 23, 1968.]

WHEREAS, Libraries are the only places left in the charitable universe without finite horizons to encompass men's minds; and

WHEREAS, Libraries are the indestructible warehouses of all men's knowledge, history, dreams, and ideas; and

WHEREAS, Libraries have their roots in untraceable antiquity and have withstood fire, floods, and rascals bent on enslaving the minds of men, and have lived in the face of all odds because they husband the spark of man's greatness; and

WHEREAS, Libraries have readers for four-year-olds to open the door to the wonder of words, source material for scientists and research people to make a map for the day after tomorrow, and books to be a friend, a hearthstone, a reason for getting up in the morning for all kinds of people; and

WHEREAS, We believe with the pedantic worthy, Ralph Waldo Emerson, " 'Tis the good reader that makes the good book," and readers are the end product of libraries; and

WHEREAS, Library books are now being read at a greater rate than ever before, stating again the unquenchable thirst of man for the magic brew of words and books; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members, with a great deal of debt to the men and women who open the library doors every morning all over the United States, request the Governor to proclaim the week of April 21–27 as Library Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 70

Senate Concurrent Resolution No. 54—Relative to "Anti-Litter Month."

[Filed with Secretary of State April 24, 1968]

WHEREAS, The existing conditions which relate to and affect the appearance of the highways and byways of the State of California may make extra efforts by the residents of California desirable; and

WHEREAS, Litter cleanup costs the taxpayers of California at least $50 million annually; and

WHEREAS, It is all-important that Californians do not fall into a state of complacency, for it is only through the individual efforts of its citizenry that California will remain one of the cleanest and most beautiful states in the nation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members hereby request the Governor to proclaim the month of May as California "Anti-Litter Month" and urge all Californians to support this

proclamation by their individual efforts for the beautification of this great state; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 71

Senate Concurrent Resolution No. 60—Relative to proclaiming the week of April 21 through 27 as United States Army Reserve Week.

[Filed with Secretary of State April 24, 1968.]

WHEREAS, Citizens of this community have selflessly served as members of the United States Army Reserve units for many years, answering the call to active duty during two world wars, the Korean conflict, and the Berlin crisis, many sacrificing their lives for the cause of a Free America; and

WHEREAS, These citizen-soldiers continue to give up weekends, vacations, and evenings to maintain a high state of readiness so that they will be prepared when called upon to defend the nation from external threats to its security; and

WHEREAS, These citizen-soldiers of the United States Army Reserve are observing their 60th anniversary on April 23 and the people of this community owe so much to these patriotic fellow citizens; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature request the Governor to proclaim the week of April 21 through April 27 as United States Army Reserve Week and call upon all citizens of California to join in a tribute to the United States Army Reserve citizen-soldiers of this state and country who have given so much of themselves so that this country could remain the greatest democratic society in the world; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 72

Assembly Concurrent Resolution No. 67—Relative to Workshop Workers Week

[Filed with Secretary of State April 25, 1968.]

WHEREAS, The nonprofit workshops for the handicapped in the State of California provide work and training for more than 20,000 handicapped persons a year; and

WHEREAS, The wages being paid to the handicapped in these workshops enable many individuals, heretofore dependent on

family and public welfare, to become self-supporting and tax-paying citizens of the state; and

WHEREAS, The training they receive leads many thousands into private employment, thus further improving their economic status and furnishing industry and government additional competent employees; and

WHEREAS, The workshops for the handicapped depend upon the business community of the state for the subcontracted work from which they derive much of their income and through which the handicapped receive training; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby request the Governor to proclaim the week of May 12 to 18, 1968, as Workshop Workers Week, and urge businesses, large and small, to support the programs of the workshops for the handicapped by providing subcontracts which will give the handicapped the work necessary to enable them to become contributing citizens in their communities; and be it further

Resolved, That the Chief Clerk transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 73

Assembly Concurrent Resolution No. 77—Relative to Arthritis Foundation Month

[Filed with Secretary of State April 25, 1968]

WHEREAS, The California chapters of the Arthritis Foundation have a definite program to provide better care for arthritis sufferers in our state, and to support clinical research projects here to benefit those who suffer from arthritis, as well as to support basic research at key medical centers in the nation and in California which seek the cause and cure for this insidious disease; and

WHEREAS, 1968 marks the 20th anniversary of the Arthritis Foundation and 20 years of progress in the fight against this most prevalent crippler in California; and

WHEREAS, The program includes the operation of 21 arthritis clinics throughout the state and calls for their expansion so that they may help many more arthritis sufferers; recommends the establishment of mobile therapy units to bring bedside care into the homes of arthritics who are unable to attend the clinics; provides for sending teams of arthritis specialists into communities to present local doctors with the latest diagnostic and treatment techniques; makes possible the use and evaluation of the newest drugs and treatment techniques upon clinic patients in this state; and

WHEREAS, It is estimated there are more than 1,800,000 sufferers of arthritis in our state; and

WHEREAS, The suffering of these individuals contributes to their absenteeism and weighs heavily upon local business and industry through lost production, lost wages, and a loss of purchasing power; and

WHEREAS, It is estimated that of the number of California sufferers 468,000 are totally or partially disabled and that the taxpayers of this state are spending almost $300 million in welfare and other payments to support them; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to honor the efforts of the thousands of volunteers who will participate in this 20th anniversary, by designating the period of May 1 to 31, inclusive, 1968, as Arthritis Foundation Month in this state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Reagan.

RESOLUTION CHAPTER 74

Assembly Concurrent Resolution No. 26—Relative to publication of the Vehicle Code.

[Filed with Secretary of State April 29, 1968]

WHEREAS, Annual sessions of the Legislature result in frequent amendments or additions to the California Vehicle Code; and

WHEREAS, Present statutes require the Department of Motor Vehicles to publish the complete text of the California Vehicle Code together with other laws relating to the use of highways or the operation of motor vehicles at least once every two years; and

WHEREAS, It is essential that enforcement agencies, the judiciary and citizens of California be informed of current laws on highway usage and motor vehicle operation in order to improve traffic safety; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Motor Vehicles be directed to publish the complete text of the California Vehicle Code once each year, making every effort to do so in advance of the effective date of the laws enacted; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Motor Vehicles.

RESOLUTION CHAPTER 75

Assembly Concurrent Resolution No. 69—Relative to "Anti-Litter Month."

[Filed with Secretary of State April 29, 1968]

WHEREAS, The existing conditions which relate to and affect the appearance of the highways and byways of the State of California may make extra efforts by the residents of California desirable; and

WHEREAS, It is all-important that Californians do not fall into a state of complacency, for it is only through the individual efforts of its citizenry that California will remain one of the cleanest and most beautiful states in the nation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby request the Governor to proclaim the month of May as California "Anti-Litter Month" to help reduce the $50 million annual cost of litter pickup, and urge all Californians to support this proclamation by their individual efforts for the beautification of this great state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 76

Assembly Concurrent Resolution No. 93—Approving amendments to the Charter of the City of Redwood City, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held thereon on April 9, 1968.

[Filed with Secretary of State April 29, 1968]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments hereinafter set forth to the Charter of the City of Redwood City, a municipal corporation in the County of San Mateo, State of California, as set out in the certificate of the mayor and city clerk of said city as follows, to wit:

State of California }
County of San Mateo } ss.

We, the undersigned, Robert H. Bury, Mayor of the City of Redwood City, State of California, and Helen C. Moore, City Clerk of said City, do hereby certify as follows:

That the City of Redwood City, a municipal corporation in the County of San Mateo, State of California, now is and at all times herein mentioned, was a city containing a population of more than 3,500 inhabitants, and has been and now is organized and existing and acting under a freeholder's charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City and approved by the Legislature of the State of California.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on its own motion, the Council of Redwood City, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City certain proposals designated as "Charter Amendments" to amend the Charter of said City and to be voted upon by said qualified electors at the regular municipal election held in said City on April 9, 1968.

That said proposed amendments were duly and regularly submitted to the qualified electors of the City of Redwood City in the manner provided in Section 8 of Article XI of the Constitution of the State of California, and that said regular municipal election was duly and regularly held in the City of Redwood City after due notice given and published on April 9, 1968, which day was not less than forty (40) days, nor more than sixty (60) days after the completion of the publication and advertisement of the proposed Charter Amendments in the manner required by Section 8 of Article XI of the Constitution of the State of California.

That the returns of said election were duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized that all of the amendments to the Charter of the City of Redwood City hereinafter set forth were ratified by a majority of the electors of said City voting thereon; that the Council of said City did by its Resolution No. 5666 duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Charter Amendments to the Charter of the City of Redwood City so ratified by the electors of said City are in words and figures as follows, to wit:

Charter Amendment No. 1

The Charter of the City of Redwood City is hereby amended by deleting therefrom Section 31 which read as follows:

"Section 31. Health Officer:

"The health officer shall be a person who has been licensed in the practice of medicine in the State of California, or who

has received special training, or who has had practical experience in public health work. He shall exercise general supervision over the health and cleanliness of the city, and take all necessary measures for the preservation and promotion thereof.

"He shall enforce all laws, ordinances and regulations relative to the preservation and improvement of the public health, including those for the prevention of disease, the suppression of insanitary conditions, and the inspection and supervision of the production, transportation, storage, and sale of food stuffs."

Charter Amendment No. 2

The Charter of the City of Redwood City is hereby amended by deleting therefrom Section 45 which read as follows:

"Section 45. Public Service Department:

"There shall be a Public Service Department which shall have control of the construction, operation and maintenance of all public utilities now or hereafter owned and operated by the City, and of the funds derived therefrom.

"There shall be a Superintendent of this department appointed by the City Manager. He shall appoint all subordinates in his department, subject to the approval of the City Manager, and he may remove the same, make rules and regulations for the management of the department, and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter.

"The Treasurer shall keep the funds of each utility separate Any funds exceeding $15,000.00 may be invested in United States, State, County, or Municipal bonds

"The books of each utility shall be kept in accordance with the State regulations governing the accounting of public utilities, and a report in detail shall be made to the Council monthly.

"The Public Service Department shall control the generation, purchase, distribution and sale of electric energy, water, gas, and any other utility owned, operated or distributed by the City."

Charter Amendment No. 3

Section 17 of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 17. Planning Commission:

"There shall be a city planning commission, which shall consist of seven members, who shall be appointed by the Council, to serve for three (3) years each, without compensation, none of whom shall hold any other public office or position in the city. The commission shall elect its chairman from among its members. Neither the City Attorney, the Director of Public Works, nor any deputy or assistant of either of them, shall

have the right to vote or enter into deliberations but shall be present in an advisory capacity only.

"The planning commission shall exercise all powers and duties granted it by ordinance or resolution of the Council now or hereafter in effect and shall exercise such additional powers and duties as may now or hereafter be provided for by such general laws of the state as are not in conflict with this charter, or any ordinance or resolution of the Council.

"The members of the present city planning commission in office at the time of this charter taking effect shall continue in office until the end of the terms for which they have been respectively appointed."

Charter Amendment No. 4

Section 21 of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 21. Officers and Boards:

"The administrative officers and boards shall be City Manager, City Clerk, Director of Public Works, Chief of Police, Chief of Fire Department, City Assessor, City Collector, City Treasurer, City Auditor, City Attorney, and such other officers and boards or commissions as may be hereafter established.

"The City Manager, City Attorney, City Auditor, City Treasurer, City Clerk, and City Assessor shall be appointed by the Council and the removal of any of them shall be only on the affirmative vote of five-sevenths (5/7ths) of all members of the City Council.

"All other officers and employees shall be appointed by the City Manager and shall hold office or position at his pleasure. The compensation of all officers and employees, excepting members of the Council, shall be provided by ordinance of the Council."

Charter Amendment No. 5

Section 28 of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 28. Director of Public Works:

"The Director of Public Works shall perform such duties as may be prescribed by law for a city engineer and shall also be street superintendent, until such time as the Council may direct a separate officer to act as street superintendent.

"He shall be the custodian of, and responsible for, all maps, plans, profiles, field notes, and other records, and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indices thereof.

"He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk. All maps, plans, profiles, field notes, estimates and other memoranda of

surveys and other professional work made or done by him or under his direction or control as Director of Public Works during his term of office shall be the property of the city.

"He shall have supervision over all public work relating to the grading, paving, cleaning, lighting, watering, and repairing of streets, the building of sewers and the disposal of sewage, garbage, and rubbish, also all other matters of an engineering character. He shall, at the time of his appointment, have been a practicing engineer for a period of at least three years

"All other things being equal, an engineer who has had special training or experience in municipal engineering shall be appointed to this office, if practicable.

"The street superintendent shall perform such duties as may be prescribed, now or hereafter, by ordinance or general laws of the state. Nothing herein contained shall prevent the City Manager himself from acting as ex-officio Director of Public Works and street superintendent and filling such offices as herein provided."

Charter Amendment No. 6

Section 51 of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 51. Budget:

"No later than June first, the City Manager shall submit to the Council a proposed budget for all departments to be known as the general budget. Said budget shall include estimates of the revenues and expenditures of the city departments for the ensuing year. These estimates shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the Manager. The classification of the estimates of expenditures shall be as nearly uniform as possible for all departments and shall give the following information:

"(a) A detailed estimate of the expense of conducting each department as submitted by the department.

"(b) Expenditures for corresponding items for the last two fiscal years.

"(c) Expenditures for corresponding items for the current fiscal year plus an estimate of expenditures necessary to complete the current fiscal year.

"(d) Increase or decrease of requests compared with the corresponding appropriations for the current year.

"(e) Such other information as is required by the Council or that the City Manager may deem advisable to submit.

"Sufficient copies of such budget shall be prepared and submitted so that there may be copies on file in the City Clerk's office for inspection by the public, unless the Council shall publish the same in the official newspaper. The Council shall have power to revise, correct or modify said proposed budget in any particular."

Charter Amendment No. 7

The Charter of the City of Redwood City is hereby amended by deleting therefrom Section 48f which read as follows:

"Section 48f. Working Capital:

"The Council shall appropriate One Thousand Dollars ($1.000.00) to the Board for the fiscal year 1936–37 which shall be under the jurisdiction and control of the Board as soon as it is legally constituted."

Charter Amendment No. 8

The Charter of the City of Redwood City is hereby amended by deleting therefrom Section 93 which read as follows:

"Section 93. First Election:

"The present council shall provide for the holding of the first election of officers under this charter and shall canvass the votes and declare the results thereof."

Charter Amendment No. 9

The Charter of the City of Redwood City is hereby amended by deleting therefrom Section 96 which read as follows:

"Section 96. Charter Effective:

"For the purpose of electing two (2) additional Councilmen, as herein provided, this Charter shall go into effect upon its approval by the Legislature. For all other purposes it shall go into full force and effect from and after the seating of the Council of seven (7) herein provided for. Within ninety (90) days after the qualification of such two additional Councilmen, the Council shall appoint a City Manager, as herein provided."

Charter Amendment No. 10

Section 47b of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 47b. Organization: Terms of Office:

"Members of the Board shall hold office for a term of five years, except in the case of a vacancy, in which event the appointment shall be for the unexpired term. Board members in office at the time this section takes effect shall continue in office until the end of their respective terms.

"The Board shall elect a president, vice-president and a secretary. The Board shall make provision for the time, place

and conduct of its meetings, which meetings shall be open to the public."

Charter Amendment No. 11

Section 35 of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 35. City Assessor:

"There shall be a City Assessor. Subject to the provisions of Section 53.5, as soon after the lien date of each year as practicable, he shall assess all taxable property within the City as of the lien date; he shall prepare all special assessments for public improvements, and give notice of such assessments to property owners. He shall verify the assessment list by his oath and deposit the same with the City Clerk on or before the first Monday in August of the year in which such list is made.

"He shall possess such other powers and perform such other duties as may be prescribed by the Council by ordinance, or by the City Manager.

"The Council may have a scientific appraisal and assessment of property made every five years or at other periods. The City Council may also jointly agree with the County Board of Supervisors for a joint scientific appraisement for the use of the county and of the city, in which case the city shall not pay more than one-half of the total expense of such joint appraisal."

Charter Amendment No. 12

Section 58 of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 58 Tax Liens:

"All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach annually, as of 12.01 a.m. on the first day of March preceding the fiscal year for which the taxes are levied or at such other time and date as may hereafter be prescribed by the laws of this state, and may be enforced by actions to foreclose such liens in any court of competent jurisdiction, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for city taxes due and delinquent thereon, the same shall be sold to the city in like case and manner, and with like effect and right of redemption as may be struck off and sold to the state when offered for sale for county taxes; and the Council shall have power to

provide by ordinance for the procedure to be followed in such sales to the city and redemption thereafter."

Charter Amendment No. 13

The Charter of the City of Redwood City is hereby amended by deleting therefrom Section 63 which read as follows:

"Section 63. Daily Deposits of Money:

"All moneys received from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the city in his official capacity, or from any department of the city for the performance of any official duty, and all moneys accruing to the city from any source and all moneys directed by law or by this charter to be paid or deposited in the treasury, shall be paid into the treasury daily."

Charter Amendment No. 14

The Charter of the City of Redwood City is hereby amended by deleting therefrom Section 64 which read as follows:

"Section 64. Monthly Reports:

"On the first day of each month every officer authorized by law to charge any fee, commission, percentage, allowance, or compensation, must make a written report to the Auditor of all moneys received by him during the preceding month."

Charter Amendment No. 15

Section 82 of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 82. Disposition of Public Moneys:

"All city officials, and employees empowered to collect money for fees, permits, licenses, inspections, services, taxes, or other municipal charges, shall collect the same promptly at the time they become due, turn them into the city treasury daily, obtain a receipt therefor, and report the same to the City Auditor daily. The Council may by ordinance provide for the depositing and reporting of moneys at such other time periods as found appropriate, but not less often than weekly. All such moneys and all fines or pecuniary penalties or forfeitures which may accrue to the city, and all funds which may remain in the possession of the city unclaimed after a period of one year from the date when due and payable, shall be credited to the General Fund of the city, and shall be applicable to any purpose to which the Council may appropriate them, and the Council shall appropriate from this fund whatever sum may be necessary to pay valid claims of more than one year's standing."

Charter Amendment No. 16

Section 9a is hereby added to the Charter of the City of Redwood City, to read as follows:

"Section 9a. Consecutive Terms:

"No person shall be eligible to hold office as a councilman for more than four consecutive terms of office.

"A partial term to which a person is appointed or elected to fill a vacancy in the Council shall not be included in computing consecutive terms. The full term during which a councilman may resign shall be included in the same manner as if no resignation had taken place. In the event any councilman is not elected at a regular election after serving one or more terms, such prior service shall not be included in computing subsequent terms of service and such person shall be eligible to subsequently serve four consecutive terms. Full terms or partial terms in excess of two years served prior to the effective date of this section shall not be included in computing consecutive terms."

Charter Amendment No. 17

Section 27 of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 27. No Interference Between Council and City Manager:

"No member of the Council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Manager in the making of any appointment or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for city manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to city offices or employments. No member of the Council shall attempt to influence unduly any city officer or employee appointed by the City Manager or otherwise intervene in the exercise of the City Manager's supervision and control over the same, provided that the foregoing shall not preclude any councilman from consulting with any city officer or employee for informational purposes. Any violation of the foregoing provisions of this section shall constitute a misdemeanor and shall work a forfeiture of the office of the offending member of the Council, who may be removed therefrom by the Council or by any court of competent jurisdiction.

"No persons related to the City Manager by blood or by marriage shall be eligible for employment."

Charter Amendment No. 18

Section 9 of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 9. The Council:

"The Council shall be comprised of seven councilmen, including the Mayor, and shall be the legislative body of the city, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

"Councilmen shall be elected at each general municipal election and shall hold office for the term of four years from and after the Monday next succeeding the day of such election and until their successors are elected and qualified. The councilmen in office at the time of this charter taking effect shall continue in office until the end of the terms for which they were respectively elected.

"Any vacancy occurring in the Council shall be filled by appointment by the remaining councilmen; but in the event that said remaining councilmen fail to fill such vacancy by appointment within 60 days after vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular election, at which date a person shall be elected to serve for the remainder of such unexpired term. In case a member of the Council is absent from the city for a period of 90 days, unless by permission of the Council, his office shall by the Council be declared vacant and the same filled as in the case of other vacancies.

"The councilmen shall receive as compensation one hundred fifty dollars ($150) per month. Payment of compensation at the foregoing rate shall be made upon ratification by the Legislature of this amendment, but in no event before July 1, 1968.

"No councilman shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the city, except as a member of any board, commission, or committee thereof, of which he is constituted such member by general law or by this charter."

Charter Amendment No. 19

Section 14 of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 14. The Mayor:

"The Council shall choose one of their number to serve as president of the Council, and to be known as Mayor. His term as Mayor shall be two years. The Mayor shall be the executive head of the city In the name and on behalf of the city he shall sign all legal instruments and documents to which the city is a party except where otherwise provided herein or by general law or ordinance. He shall represent the city in all ceremonial functions of a patriotic or social character when it appears desirable that the City be officially represented thereat, and shall, consistent with the provisions thereof, possess such other powers and perform such duties, as may be prescribed by this charter, by law, by ordinance, or by resolution of the Council.

"The Mayor shall have a contingent fund of two hundred and fifty dollars ($250) a year for which he need produce no vouchers.

"In case of riot, insurrection, or extraordinary emergency, he shall assume general control of the city government and all of its branches, and shall be responsible for the suppression of disorders and the restoration of normal conditions.

"The Council shall choose one of their number to serve as Vice-Mayor. His term shall run concurrently with that of the Mayor. In the absence or disability of the Mayor, the Vice-Mayor shall have all the powers and duties of the Mayor."

Charter Amendment No. 20

Section 14a is hereby added to the Charter of the City of Redwood City, to read as follows:

"Section 14a. Mayor's Contingent Fund:

"The Mayor's contingent fund, as established by Section 14 of this Charter, shall be augmented by the amount of two hundred fifty dollars ($250) a year, to provide a total of five hundred dollars ($500) a year for which he need produce no vouchers."

* * *

And we further certify that the foregoing proposed and ratified amendments to the Charter of the City of Redwood City are a full, true and correct copy of the Charter Amendments approved by the voters of the City of Redwood City.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Redwood City to be affixed hereto this 16th day of April, 1968.

(SEAL)

ROBERT H. BURY
Mayor of the City of Redwood City
HELEN C. MOORE
City Clerk of the City of Redwood City

* * *

WHEREAS, The said proposed amendments, as ratified, as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Redwood City as presented to and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same

are hereby approved as a whole, without amendment or alteration, for and as amendments to, and as a part of, the Charter of the said City of Redwood City.

RESOLUTION CHAPTER 77

Senate Concurrent Resolution No. 55—Relative to Goodwill Industries.

[Filed with Secretary of State April 30, 1968.]

WHEREAS, The week of May 5 through 11, 1968, has been designated National Goodwill Week in recognition of the outstanding humanitarian achievements made by Goodwill Industries, and

WHEREAS, Goodwill Industries had its beginning in 1902 when the Reverend Edgar Helms, recognizing a source of dignified employment for the handicapped, asked his neighbors for donations of repairable household articles and clothing which could be repaired and sold, thereby providing work and income for the needy and handicapped; and

WHEREAS, Vocational rehabilitation of the seriously handicapped was the initial goal and Goodwill Industries has since expanded its activities to encompass the mentally ill and mentally retarded in order that these people may live productive and fulfilling lives; and

WHEREAS, As a result of the outstanding efforts of the 136 autonomous Goodwills in the United States, more than 80,000 handicapped persons have been helped and have received over $3,500,000 in wages; and

WHEREAS, Goodwill Industries is a continuing tribute to the initiative of private groups that provide a source of work and income for persons who otherwise would be dependent upon public assistance; and

WHEREAS, The program of Goodwill Industries, based on the dignity of man, gives self-respect to the handicapped worker; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members wish to take this opportunity to commend the National Organization and the California Goodwill Industries on their outstanding job in serving the handicapped; and be it further

Resolved, That the Governor of the State of California is requested to proclaim the week of May 5 through May 11, 1968, National Goodwill Week, in California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Honorable Ronald Reagan, Governor of the State of California, and suitably prepared copies to Adolph H. Teichert, President of Sacramento Goodwill Industries, and Robert G. Depner, Executive Director of Goodwill Industries.

RESOLUTION CHAPTER 78

Assembly Concurrent Resolution No. 70—Relative to National Nursing Home Week.

[Filed with Secretary of State April 30, 1968.]

WHEREAS, Licensed nursing homes and related facilities for the care of the aged and the convalescent in the State of California now number more than 1,200 with approximately 67,000 beds; and

WHEREAS, These facilities offer not only medical, nursing and personal care, but also provide rehabilitation, restoration, recreation, physical and occupational therapy, and spiritual programs designed to provide a "fuller life" for the aged and the convalescent; and

WHEREAS, Licensed nursing homes and related facilities have broadened their potential for service and have taken on an increasingly important role in caring for the health of the chronically ill, the aged and the convalescent; and

WHEREAS, The California Association of Nursing Homes, Sanitariums, Rest Homes and Homes for the Aged, Inc., has provided leadership for its members and has made important contributions to improving the standards of care and broadening the services offered by such nursing homes and related facilities; and

WHEREAS, The nursing homes and related facilities in this state are participating in National Nursing Home Week May 12–18, 1968; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members do hereby request the Governor to proclaim the week of May 12–18, 1968, as California Nursing Home Week, and urge the residents of this state to acquaint themselves with the services and contributions offered by licensed nursing homes and related facilities to assure a fuller life for the aged, the chronically ill and the convalescent of all ages; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and a suitably prepared copy of this resolution to the California Association of Nursing Homes, Sanitariums, Rest Homes and Homes for the Aged, Inc.

RESOLUTION CHAPTER 79

Senate Concurrent Resolution No. 36—Relative to National Defense Transportation Day and National Transportation Week.

[Filed with Secretary of State April 30, 1968.]

WHEREAS, Transportation is a vital modern day network steeped in the history of the "Conestoga" and the "Iron

Horse" in the days of our westward expansion up to our present day supersonic jets, and this transportation system helps keep the wheels of commerce and industry turning, and makes us the most mobile society in the history of the world; and

WHEREAS, Our personal, commercial and economic lives, as well as our national defense, are dependent upon efficient, modern and rapid transportation; and

WHEREAS, The Congress, by Senate Joint Resolution 22 of May 16, 1957 (71 Stat. 30), has requested the President to proclaim annually the third Friday of May of each year as National Defense Transportation Day, and by House Joint Resolution 628 of May 14, 1962 (76 Stat. 69), has requested the President to proclaim annually the week of May in which that Friday falls as National Transportation Week, as a tribute to the men and women who, working night and day, move the goods and people throughout our land; and

WHEREAS, The President has designated Friday, May 17, 1968, as National Defense Transportation Day, and the week beginning May 12, 1968, as National Transportation Week; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members urge all Californians to participate, with representatives of the transportation industry, our armed services and state and local agencies, in the observance of these occasions through appropriate ceremonies; and be it further

Resolved, That the Governor of the State of California is hereby requested to proclaim the week beginning May 12, 1968, as California Transportation Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 80

Senate Concurrent Resolution No. 44—Relative to Soil Stewardship Week.

[Filed with Secretary of State April 30, 1968]

WHEREAS, Each year California traditionally recognizes Soil Stewardship Week and churches of all denominations include in their sermons messages of importance on soil stewardship; and

WHEREAS, All conservationists devote special effort to informing the people of the need for conserving soil; and

WHEREAS, Soil Stewardship Week is a nationwide observance; and

WHEREAS, The bountiful yield of our land which is enjoyed by our citizens is dependent upon the conservation of our land and water resources; and

WHEREAS, The bountiful yield of our land is essential to the continued well-being of our citizens; and

WHEREAS, There should be a time when all our citizens of California should give thanks for the good management of our soils that produce the food and fiber essential to our needs; and

WHEREAS, This recognition of good management will serve to stimulate continued interest in the conservation of our resources throughout the year; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature requests the Governor of California to proclaim the week of May 19 to 26, inclusive, as "Soil Stewardship Week in California" and to urge all of the citizens of California to join with our churches of all denominations in observance of this week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor of California.

RESOLUTION CHAPTER 81

Senate Concurrent Resolution No. 68—Relative to Law Day, U.S.A.

[Filed with Secretary of State April 30, 1968.]

WHEREAS, On May 1, 1968, the nation will observe Law Day, U.S.A., the day set aside each year by Congress in recognition of the fundamental importance of the rule of law in our nation; and

WHEREAS, The law we recognize and respect is not the mere exercise of power or just a device to enforce the status quo, but is a process of continuous growth that allows the creation of new rights for all men through a deliberative, democratic process and a system that permits existing rights to be protected, injustices to be remedied, and disputes to be resolved, without recourse to self-defeating violence; and

WHEREAS, Lyndon B. Johnson, President of the United States, urged each citizen to join in this observance by making a personal commitment to obey the law, respect the rights of others, aid law enforcement officers, and uphold the judgments of the courts; and

WHEREAS, The President's message is the meaning of the theme of Law Day, 1968, "Only a lawful society can build a better society"; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members take this opportunity to commend the organized bar for fostering the annual observance of Law Day; and be it further

Resolved, That the Governor of the State of California is requested to proclaim the day of May 1, 1968, as Law Day, in California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Honorable Ronald Reagan, Governor of the State of California, and suitably prepared copies to Earl F. Morris, President of the American Bar Association, and John H. Finger, President of the State Bar of California.

RESOLUTION CHAPTER 82

Senate Concurrent Resolution No. 70—Approving an amendment to the Charter of the City of Mountain View, County of Santa Clara, State of California, ratified by the qualified electors of the city at a special election held therein on the ninth day of April 1968.

[Filed with Secretary of State May 2, 1968]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the Charter of the City of Mountain View, a municipal corporation in the County of Santa Clara, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF MOUNTAIN VIEW OF A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF MOUNTAIN VIEW

State of California
County of Santa Clara } ss
City of Mountain View

We, the undersigned, William R. Jelavich, Mayor of the City of Mountain View, and Jean Hixson, City Clerk of the City of Mountain View, do hereby certify and declare as follows:

That the City of Mountain View, a municipal corporation, in the County of Santa Clara, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500), and ever since the sixth day of March, 1952, has been and is now organized, existing and acting under a Freeholders Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by qualified electors of said City of Mountain View at an election held for that purpose on the 15th day of January, 1952, and approved by the Legislature of the State of California by Concurrent Resolution No. 3 on March 5, 1952, and filed with the Secretary of State on March 6, 1952.

That in accordance with the provisions of Section 8 of said Article XI of the Constitution of the State of California, the City Council of the City of Mountain View by its Resolution No. 7791, adopted on the 29th day of January, 1968, duly and regularly submitted to the qualified electors of said City of Mountain View two (2) certain proposals to amend the Charter of the City of Mountain View and to be voted upon by said qualified electors at a special municipal charter amendment election by said resolution called for said purpose in said City on the 9th day of April, 1968, and consolidated with the general municipal election of the City of Mountain View to be held in said City of Mountain View on said 9th day of April, 1968.

That said proposals were published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 13th day of February 1968, in the Sunnyvale Daily Standard-Mountain View Register Leader, the official newspaper of the City of Mountain View, and in each edition thereof during said day of publication.

That said special municipal charter amendment election consolidated with the general municipal election of the City of Mountain View was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 9th day of April, 1968, which day was not less than forty (40) days and not more than sixty (60) days after the completion of said publication and advertisement of said proposals in said Sunnyvale Daily Standard-Mountain View Register Leader.

That pursuant to the provisions of Section 22932.5 of the Elections Code of the State of California, the City Council of the City of Mountain View did, on the 29th day of January, 1968, duly pass and adopt that portion of Section 4(h) of said Resolution No. 7791, ordering the canvass of said general municipal election and consolidated special charter amendment election to be made by the city clerk of said City of Mountain View prior to the first Tuesday after said election.

That said city clerk did, in the manner provided by law, duly and regularly canvass the returns of said special municipal charter amendment election consolidated with the general municipal election of the City of Mountain View, as aforesaid, and certify the results thereof to the Council of said City of Mountain View.

That the Council of the City of Mountain View did, by Resolution No. 7891, duly passed and adopted on April 16, 1968, duly find and declare that a majority of the qualified electors voting on each of the separate alternative proposals numbered Proposal No. 1 and Proposal No. 1-A, voted in favor of said Proposal No. 1-A and against said Proposal No. 1, and

that said Proposal No. 1-A to amend the Charter of said City was ratified.

That a majority of the qualified voters voting on each of said proposals numbered Proposal No. 1 and Proposal No. 1-A voted in favor of the ratification of and did ratify said Proposal No. 1-A to amend said Charter of said City of Mountain View, and against the ratification of said Proposal No. 1.

That said charter amendment so ratified by the majority of the qualified electors of said City voting at said special municipal charter amendment election is in words and figures following, to wit:

Proposal No. 1-A

By amending Section 503 of the Charter of the City of Mountain View to read as follows:

"Each member of the City Council shall receive as salary, each month, the sum of Two Hundred Fifty Dollars ($250) per month. Said sum is the amount which has been established by the State Legislature for members of the city councils of general law cities having a population range over 50,000 up to and including 75,000, within which the City of Mountain View falls. The Mayor shall receive as salary, each month, the sum of Two Hundred Fifty Dollars ($250) per month, plus an additional Twenty-Five per cent (25%) of said sum, or a total of Three Hundred Twelve Dollars and Fifty Cents ($312.50) per month. If a member of the City Council, or the Mayor does not attend all meetings of the City Council or study sessions called on order of the City Council and held during the month, his salary for such month shall be reduced by the sum of Twenty-Five Dollars ($25) for each meeting or study session not attended unless he is absent on official duty with the consent of or on order of the City Council."

and we, and each of us further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Mountain View with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendment to the Charter of the City of Mountain View is hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of ARTICLE XI of the Constitution of the State of California. As to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the Seal of the City of Mountain View to be affixed hereto this 18th day of April, 1968.

WILLIAM R. JELAVICH
(SEAL) Mayor of the City of Mountain View
JEAN HIXSON
City Clerk of the City of Mountain View

and

WHEREAS, The proposed charter amendment, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Mountain View, as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Mountain View.

RESOLUTION CHAPTER 83

Senate Concurrent Resolution No. 71—Relating to Women's Army Corps Day.

[Filed with Secretary of State May 2, 1968.]

WHEREAS, May 14, 1968, marks the 26th anniversary of the founding of one of the illustrious units in the military service of the United States, the Women's Army Corps; and

WHEREAS, The members of the Women's Army Corps have, by their dedication, faithfulness, probity, integrity, and plain hard work well earned the admiration of a grateful nation; and

WHEREAS, It is entirely fitting and proper that the outstanding contributions of the members of the Women's Army Corps to the defense and security of the United States during peacetime and wartime be accorded official recognition; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members respectfully request the Governor of the State of California to proclaim May 14, 1968, as Women's Army Corps Day; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor, and to Florence Land, National Vice President of the Women's Army Corps-Veterans Association.

RESOLUTION CHAPTER 84

Assembly Concurrent Resolution No. 97—Relative to "Railroad Women's Day."

[Filed with Secretary of State May 2, 1968.]

WHEREAS, The 50,000 women employed by American railroads for many years have matched loyal service to the industry with commendable community services; and

WHEREAS, Humanitarian projects under the leadership of the National Association of Railway Business Women have brightened the lives of countless needy and unfortunate people; and

WHEREAS, The Association's annual welfare project again this year will culminate in the donation of model electric trains to homes for the mentally retarded and handicapped children in many cities throughout the nation; and

WHEREAS, Simultaneous dedication ceremonies of these gift trains to be conducted by the National Association of Railway Business Women on Wednesday evening, May 15, will also contribute to the observance of National Transportation Week; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge Governor Ronald Reagan to proclaim May 15, 1968, as "Railroad Women's Day"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Reagan

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RESOLUTION CHAPTER 85

Assembly Joint Resolution No. 11—Relative to development of Trinidad Harbor.

[Filed with Secretary of State May 2, 1968.]

WHEREAS, Feasibility studies concerning the construction of harbor facilities and development of the Trinidad Harbor as a harbor of refuge in Humboldt County are currently being conducted by the United States Army Corps of Engineers and by the Department of Harbors and Watercraft of the State of California; and

WHEREAS, The Department of Harbors and Watercraft is urging action by the Corps of Engineers and has indicated that it will fully cooperate with the Corps of Engineers in the development of Trinidad Harbor; and

WHEREAS, Trinidad Harbor serves a vital need for both the commercial fishing industry and for sport fishing enthusiasts; and

WHEREAS, Development of Trinidad Harbor would not only greatly enhance its value for both the commercial fishing industry and sportsmen, it would afford a place of safe refuge for all members of the boating public who travel along the coast of northern California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take whatever action is necessary to enable the development of Trinidad Harbor as a harbor of refuge at the earliest practicable date; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Army of the United States.

RESOLUTION CHAPTER 86

Assembly Concurrent Resolution No. 108—Relative to Foster Parents Week.

[Filed with Secretary of State May 6, 1968.]

WHEREAS, Continued faith in American ideals and institutions, and the social and economic stability of the state and the nation, depend upon the preservation of the family unit as a strong moral and socializing force in our society; and

WHEREAS, Because of the increased divorce rate among some, and the lack of parental responsibility among others, these ideals and institutions have been endangered; and

WHEREAS, California has achieved notable success in this field under an arrangement whereby children left without the benefit of proper parental care are able to have "temporary" parents; and

WHEREAS, This arrangement calls for the placing of such children in the home of well-screened and responsible adults, or "foster parents," who treat the child as their own and attempt to instill in him those disciplines and standards that will be necessary for him to lead a happy and productive life; and

WHEREAS, Any foster parent-child relationship is only "temporary" and may last as little as one night or may continue until the child is grown; and

WHEREAS, The anguish, concern, and pride of these foster parents for their "children" are real and are in no way diminished by the role of the authorities in establishing and supervising the relationship; and

WHEREAS, The foster parent program furnishes each participating child with the opportunity to have a directive force in his life and furnishes each foster parent with the opportunity to be a part of something that is important to the future of mankind; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge Governor Ronald Reagan to proclaim the week of May 5–12, 1968, as Foster Parents Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 87

Assembly Joint Resolution No. 35—Relative to federal participation in welfare payments to nonresidents.

[Filed with Secretary of State May 7, 1968.]

WHEREAS, The Federal Social Security Act since its enactment in 1935 has permitted the various states to impose reasonable residence requirements for eligibility to the various public assistance programs whose costs are partly paid by federal funds; and

WHEREAS, The Federal Social Security Act so provides at the present time, with California having consistently required a reasonable continued residence as an eligibility factor for permanent public assistance payments; and

WHEREAS, A federal court in California and other federal courts in other parts of the nation have declared the unconstitutionality of such residence requirements alleging that they contravene the "equal protection of the law" guarantee of the Federal Constitution and that they unduly restrict the freedom of Americans to travel at will within the country; and

WHEREAS, If this new judicial theory is upheld by the United States Supreme Court, state and county costs of public assistance in California will be tremendously and permanently increased; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend the Federal Social Security Act at once so as to provide full federal financing of public assistance payments made to recipients who do not meet the length of residence requirements presently permitted by federal statute and contained in the California Welfare and Institutions Code and applicable statutes in other states, such federal financing to continue in each case only until the existing length of residence requirements have been met by each recipient; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 88

Assembly Concurrent Resolution No. 76—Relative to California School Safety Patrol Week.

[Filed with Secretary of State May 7, 1968]

WHEREAS, Highway safety and the prevention of highway accidents have become problems of major concern; and

WHEREAS, The school safety patrols, since their organization in 1923 in California, have played an important role in the reduction of highway accidents involving school-age children; and

WHEREAS, More than 32,000 safety patrol members are now serving throughout the State of California to protect school children; and

WHEREAS, The lifesaving efforts of the school safety patrols play an increasingly important role in the never-ending campaign to reduce traffic accidents; and

WHEREAS, This program should receive public attention and citizen support and the accomplishments of these children recognized; and

WHEREAS, The second week of May provides an opportunity for California, along with the rest of the nation, to give due recognition to the foregoing accomplishments and needs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the second week of May is hereby designated as California School Safety Patrol Week and the Governor is requested to issue a proclamation calling upon all people of the State of California for observance of such a week with appropriate proceedings and ceremonies; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 89

Assembly Concurrent Resolution No. 113—Relative to Professional Photographers Week.

[Filed with Secretary of State May 7, 1968]

WHEREAS The Professional Photographers West is an organization of dedicated southern California men and women

demonstrating their creative talents through the medium of photography; and

WHEREAS, This organization is comprised of portrait, commercial, and illustrative photographers who have devoted much of their time to the southern California community and its citizens for the general welfare of all; and

WHEREAS, The Professional Photographers West has contributed to public awareness of photography, actively promoted high business standards through the organization's Code of Ethics, advanced the art through technical and aesthetic improvements, actively promoted liaison with manufacturers in the area of quality control, and advanced the cultural level of photography through the means of graphic communications; and

WHEREAS, The Professional Photographers West is holding its annual convention in the City of Los Angeles on May 10, 11 and 12; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request Governor Ronald Reagan to proclaim the week of May 6 to 11, 1968, as Professional Photographers Week, and request all citizens to give recognition to this important segment of the professional community; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor, and a suitably prepared copy to the president of the Professional Photographers West.

RESOLUTION CHAPTER 90

Assembly Concurrent Resolution No. 79—Relative to commending James K. Guthrie.

[Filed with Secretary of State May 8, 1968.]

WHEREAS, James K. Guthrie, publisher and executive vice president of the San Bernardino Sun-Telegram, is one of California's most illustrious citizens; and

WHEREAS, James K. Guthrie attended the University of Redlands, where he minored in journalism and worked each summer as a reporter for the San Bernardino Sun-Telegram, and since 1949, he has worked as night city editor, editor, assistant city editor, assistant to the publisher and executive vice president and publisher of such newspaper; and

WHEREAS, He has also been a success in the field of music, serving as assistant conductor to Leopold Stokowski at the Hollywood Bowl for two seasons, and as Hollywood Bowl's general assistant conductor and chief conductor of opera, and has been director of instrumental music at the Redlands Bowl for more than 36 years, a position he earned when he was 15; and

WHEREAS, The publisher is the conductor of youth concerts for the Los Angeles Philharmonic and the musical director of the Riverside Symphony Orchestra, and has appeared as guest conductor for the New York Philharmonic Symphony, Pittsburgh Symphony, Vancouver Symphony and the San Jose Symphony; and

WHEREAS, In 1964, James K. Guthrie was appointed a member of the California Arts Commission and has served as chairman thereof; and

WHEREAS, He has been active with the California Newspaper Publishers Association, serving as a member of the board of directors, executive committee, secretary-treasurer, vice president, and in 1967 was elected president thereof; and

WHEREAS, James K. Guthrie has recently become president of the Western Industrial Relations Bureau; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members commend James K. Guthrie on his distinguished career; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to James K. Guthrie.

RESOLUTION CHAPTER 91

Assembly Concurrent Resolution No. 81—Relative to National Insurance Women's Week.

[Filed with Secretary of State May 8, 1968]

WHEREAS, The National Association of Insurance Women is the largest single professional women's group in the United States, with membership totaling approximately 14,000; and

WHEREAS, The National Association of Insurance Women has made significant contributions to a vital segment of the economy of California and the nation; and

WHEREAS, The members of the association hold prominent and responsible positions in the business community; and

WHEREAS, In addition to the advancements and achievements of this group of professional women, the members of the National Association of Insurance Women are also to be congratulated on their participation in educational projects on local, state, and national levels; and

WHEREAS, This is exemplified by the members in California who have so generously given of their time and abilities to work with the USO, the muscular dystrophy auctions, safety councils throughout the State of California, and driver improvement courses; and

WHEREAS, This dual role in the business world and in the community is worthy of highest praise; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members commend the National Association of Insurance Women and request the Governor to proclaim the week of May 19, 1968, through May 25, 1968, as National Insurance Women's Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 92

Senate Concurrent Resolution No. 3—Relative to the California Law Revision Commission.

[Filed with Secretary of State May 13, 1968]

WHEREAS, Section 10335 of the Government Code provides that the California Law Revision Commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress; and

WHEREAS, The commission in its annual report covering its activities for 1967 lists the following topics, all of which the Legislature has previously authorized or directed the commission to study, as studies in progress:

Topics Under Active Consideration:

(1) Whether the law and procedure relating to condemnation should be revised with a view to recommending a comprehensive statute that will safeguard the rights of all parties to such proceedings;

(2) Whether the doctrine of sovereign or governmental immunity in California should be abolished or revised;

(3) Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised, including but not limited to the liability for inverse condemnation resulting from flood control projects;

(4) Whether the Evidence Code should be revised;

(5) Whether the law relating to the use of fictitious names should be revised;

(6) Whether the law relating to the rights and duties attendant upon termination or abandonment of a lease should be revised;

Topics Continued on Calendar for Further Study:

(1) Whether an award of damages made to a married person in a personal injury action should be the separate property of such married person;

(2) Whether the law relating to additur and remittitur should be revised;

(3) Whether Vehicle Code Section 17150 and related statutes should be revised;

(4) Whether the law relating to the rights of a good faith improver of property belonging to another should be revised;

(5) Whether the law relating to suit by and against partnerships and other unincorporated associations should be revised and whether the law relating to the liability of such associations and their members should be revised;

(6) Whether the law relating to the escheat of property and the disposition of unclaimed or abandoned property should be revised;

(7) Whether the jury should be authorized to take a written copy of the court's instructions into the jury room in civil as well as criminal cases;

(8) Whether the law relating to quasi-community property and property described in Section 201.5 of the Probate Code should be revised;

Other Topics Authorized for Study:

(1) Whether the law respecting jurisdiction of courts in proceedings affecting the custody of children should be revised;

(2) Whether the law relating to attachment, garnishment, and property exempt from execution should be revised;

(3) Whether the various sections of the Code of Civil Procedure relating to partition should be revised and whether the provisions of the Code of Civil Procedure relating to the confirmation of partition sales and the provisions of the Probate Code relating to the confirmation of sales of real property of estates of deceased persons should be made uniform and, if not, whether there is need for clarification as to which of them governs confirmation of private judicial partition sales;

(4) Whether the Small Claims Court Law should be revised;

(5) Whether the law relating to the doctrine of mutuality of remedy in suits for specific performance should be revised;

(6) Whether Civil Code Section 1698 should be repealed or revised;

(7) Whether Section 1974 of the Code of Civil Procedure should be repealed or revised;

(8) Whether Section 7031 of the Business and Professions Code, which precludes an unlicensed contractor from bringing an action to recover for work done, should be revised;

(9) Whether California statutes relating to service of process by publication should be revised in light of recent decisions of the United States Supreme Court;

(10) Whether the law relating to a power of appointment should be revised;

and

WHEREAS, The commission in its annual report covering its activities for 1967 has recommended that the following topics, previously approved for study, be removed from its agenda:

(1) Whether the law relating to devises and bequests to a trustee under, or in accordance with, terms of an existing inter vivos trust should be revised;

(2) Whether the law relating to the allocation or division of property on divorce or separate maintenance should be revised;

(3) Whether the law relating to the rights of a putative spouse should be revised;

now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature approves the topics listed above as studies in progress for continued study by the California Law Revision Commission and approves the removal from the commission's agenda of the topics listed above that the commission has recommended be removed from its agenda.

RESOLUTION CHAPTER 93

Senate Concurrent Resolution No. 22—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization and the State Personnel Board, and Members of the Senate and Assembly.

[Filed with Secretary of State May 13, 1968.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That leaves of absence from the state for a longer period than 60 days during their terms of office are hereby granted to His Excellency Ronald Reagan, Governor of the State of California; the Honorable Robert H. Finch, Lieutenant Governor of the State of California; to Frank M. Jordan, Secretary of State; to Thomas C. Lynch, Attorney General; to Houston I. Flournoy, Controller; to Ivy Baker Priest, Treasurer; to Max Rafferty, Superintendent of Public Instruction; to George R. Reilly, John W. Lynch, Paul R. Leake, and Richard Nevins, members of the Board of Equalization; to Joseph L. Wyatt, Jr., Robert S. Ash, Samuel Leask, May Layne Bonnell, and Nita Wenter, members of the State Personnel Board; and to the following Members of the Senate and the Assembly:

Senators Alfred E. Alquist, Anthony C. Beilenson, Clark L. Bradley, Clair W. Burgener, Hugh M. Burns, Tom Carrell, Randolph Collier, Gordon Cologne, William E. Coombs, Lou Cusanovich, George E. Danielson, George Deukmejian, Ralph C. Dills, Richard J. Dolwig, Mervyn M. Dymally, Donald L.

Grunsky, John L. Harmer, Joseph M. Kennick, Robert J. Lagomarsino, Milton Marks, Fred W. Marler, Jr., John F. McCarthy, George Miller, Jr., James R. Mills, George R. Moscone, Nicholas Petris, H. L. Richardson, Albert S. Rodda, John G. Schmitz, Jack Schrade, Lewis F. Sherman, Alan Short, Alfred H. Song, Robert S. Stevens, Walter W. Stiern, Stephen P. Teale, Lawrence E. Walsh, Howard Way, James Q. Wedworth, James E. Whetmore; Assemblymen Robert E. Badham, William T. Bagley, E. Richard Barnes, Frederick James Bear, Carlos Bee, Frank P. Belotti, Robert G. Beverly, W. Craig Biddle, Yvonne W. Brathwaite, John V. Briggs, Carl A. Britschgi, Willie L. Brown, Jr., Robert H. Burke, John L. Burton, William Campbell, Eugene A. Chappie, John L. E. Collier, Charles J. Conrad, Kenneth Cory, Earle P. Crandall, Robert W. Crown, Mike Cullen, Pauline L. Davis, Wadie P. Deddeh, James W. Dent, Gordon W. Duffy, John F. Dunlap, Edward E. Elliott, Jack R. Fenton, March K. Fong, John F. Foran, Joe A. Gonsalves, Bill Greene, Leroy F. Greene, James A Hayes, Stewart Hinckley, Harvey Johnson, Ray E. Johnson, Walter J. Karabian, William M. Ketchum, John T. Knox, Frank Lanterman, Ken MacDonald, Patrick D. McGee, Lester A. McMillan, Charles W. Meyers, George W. Milias, John J. Miller, Ernest N. Mobley, Robert T. Monagan, Carlos J. Moorhead, Bob Moretti, Don Mulford, Frank Murphy, Jr., David Negri, Alan G. Pattee, Carley V. Porter, Walter W. Powers, Paul Priolo, John P. Quimby, Leon Ralph, David A. Roberti, Newton R. Russell, Leo J. Ryan, Peter F. Schabarum, Winfield A. Shoemaker, Alan Sieroty, Kent H. Stacey, John Stull, Vincent Thomas, L. E. Townsend, Jesse M. Unruh, John Vasconcellos, John G. Veneman, Victor V. Veysey, Floyd L. Wakefield, Charles Warren, Pete Wilson, Edwin L. Z'berg, George N. Zenovich.

The leaves of absence granted by this resolution are also granted to the successors of any of the above-named officers during their terms of office as such successors.

RESOLUTION CHAPTER 94

Senate Concurrent Resolution No. 47—Relative to proclaiming May 12–18, 1968, as Public Works Week.

[Filed with Secretary of State May 13, 1968.]

WHEREAS, The broad area of government service known as "public works," has become an integral and vital part of our modern standard of living; and

WHEREAS, Our economy of abundance coupled with an exploding population has created gigantic problems in supplying adequate highways, traffic control, waste collection and disposal, as well as public buildings to house our expanding government agencies; and

WHEREAS, The ingenuity of the public works administrators, engineers, and other employees has enabled our federal, state and local governments to meet the challenge of the 20th century; and

WHEREAS, These vital services, though we have come to take them for granted, are essential to our way of life and standard of living; and

WHEREAS, It is necessary to highlight the importance of public works to the safety, health and well-being of our people in order to retain the dedicated public servants now employed and to attract new personnel of equal caliber; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members respectfully request the Governor of the State of California to proclaim the week of May 12 to 18, 1968, as Public Works Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 95

Senate Concurrent Resolution No. 48—Relating to proclaiming May 1968 as Home Improvement Month.

[Filed with Secretary of State May 13, 1968.]

WHEREAS, While many older California homes were the "last word" at the time of their construction, they now leave much to be desired in comfort and convenience for their occupants; and

WHEREAS, Needed repairs and improvements on these dwellings would help maintain the owner's investment; and

WHEREAS, Modernization of older dwellings would help eliminate safety hazards and promote the well-being and morale of the occupants; and

WHEREAS, Beautification of the structures would develop in the owners a keen sense of pride and encourage others in the community to make similar efforts; and

WHEREAS, A widespread modernization movement would act as a tremendous spur to the construction industry with its many allied trades and would go far toward fighting problems of unemployment in both skilled and unskilled trades; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members respectfully request that the Governor of the State of California proclaim the month of May 1968 as Home Improvement Month; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 96

Assembly Concurrent Resolution No. 114—Relative to Children With Learning Disabilities Week.

[Filed with Secretary of State May 13, 1968.]

WHEREAS, It is of vital concern to us all that the best possible training and education be afforded those children who have learning disabilities in order that they may take their place in our society as productive and responsible citizens, their potentialities fully developed and fully realized; and

WHEREAS, Further study and research is necessary in this important area of education, special programs must be developed and new methods of teaching devised, and this task can only be carried forth with the firm support of an informed citizenry; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge the Governor to issue a proclamation designating the period of May 10 to 19, 1968, as "Children With Learning Disabilities Week," and inviting individuals, groups, and schools to observe this period by offering to the public teaching demonstrations and informative lectures on learning disabilities; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 97

Assembly Joint Resolution No. 7—Relative to financial responsibility of aircraft.

[Filed with Secretary of State May 16, 1968.]

WHEREAS, The aircraft traffic in this country has increased tremendously in recent years; and

WHEREAS, The increased traffic has resulted in an increased number of accidents and increased damage to persons and property; and

WHEREAS, Many aircraft are inadequately protected by insurance or other means to satisfy claims and judgments arising against them; and

WHEREAS, Federal laws govern a large part of the fields of aircraft flight and aircraft safety; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to investigate the question of aircraft-caused damage and financial responsibility and to enact laws relating to the

financial responsibility of aircraft flying in this country; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 98

Senate Concurrent Resolution No. 16—Relative to the simplification of California public assistance programs and the establishment of a single category of public assistance.

[Filed with Secretary of State May 16, 1968.]

WHEREAS, The California public assistance programs are laden with unnecessarily complex and nonessential differences between the categories of assistance with differing standards and regulations which have little relationship to the actual circumstances of the people involved; and

WHEREAS, The maze of categorical assistance results in expensive compartmentalization of welfare agencies often resulting in two or more social workers working with a single needy family group; and

WHEREAS, The final report of the Welfare Study Commission of January 1963 called for experiments with a single classification of assistance but no further action has been taken on this recommendation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Director of Social Welfare is hereby directed to report to the Legislature no later than January 15, 1969, his recommendations regarding the establishment of a single category of public assistance. The director shall include in his report how such a change would affect existing programs and recipients and the effect of such action on the simplification of welfare administration and savings that might accrue to the state and counties from such action.

RESOLUTION CHAPTER 99

Senate Concurrent Resolution No. 57—Relative to School Bus Safety Week.

[Filed with Secretary of State May 16, 1968.]

WHEREAS, This year for the first time School Bus Safety Week will be celebrated on a nationwide basis during June 2 through June 8, 1968; and

WHEREAS, The excellent safety record achieved by schoolbuses is worthy of recognition and commendation; and

WHEREAS, Safe student transportation in schoolbuses cannot be overemphasized in view of today's high volume of traffic throughout the State of California; and

WHEREAS, School Bus Safety Week underscores the vigilance, caution, and courtesy that must be exercised by every citizen in order for there to be any significant reduction in vehicle accidents; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request that the Governor proclaim the week of June 2 through June 8, 1968, as "School Bus Safety Week," in California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Honorable Ronald Reagan, Governor of California, and to Mr. Richard E. Fischer, State Chairman of School Bus Safety Week.

RESOLUTION CHAPTER 100

Senate Concurrent Resolution No. 39—Relating to commending the California Manufacturers Association.

[Filed with Secretary of State May 21, 1968]

WHEREAS, Manufacturing has and continues to be the state's largest single source of employment and one of its most predominant economic factors; and

WHEREAS, During the past 50 years, industry has relied upon the California Manufacturers Association as its spokesman in all things affecting the manufacturing community; and

WHEREAS, During this period the association has responded to changing conditions and is the clearly established leader in many areas of public concern, with special emphasis on such subjects as air and water resources, fuel and utilities, government relations, transportation and distribution, taxation, unemployment insurance and workmen's compensation; and

WHEREAS, The diversity of California's manufacturing activity is such that it produces nearly every known commodity; and

WHEREAS, No section of California is without manufacturing, processing or fabricating activities; and

WHEREAS, Those persons who individually direct the more than 25,000 California manufacturing establishments have always been in the forefront of technological advancement; and

WHEREAS, During periods of national crisis, California industry has readily responded to the country's need by establishing unprecedented records of production and quality; and

WHEREAS, These same leaders have demonstrated a remarkable ability to shift to peacetime production, and in so doing,

have maintained California's position as one of the nation's top manufacturing states; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members extend congratulations to the membership of the California Manufacturers Association on their 50th anniversary and commend the association's staff for its diligent attention to assigned responsibilities, all of which when combined provides the manufacturing community with outstanding leadership which favorably projects the importance of industry to the overall well-being of California; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the California Manufacturers Association.

RESOLUTION CHAPTER 101

Senate Joint Resolution No. 1—Relative to physical therapists.

[Filed with Secretary of State May 23, 1968.]

WHEREAS, The State of California has by far the most outstanding laws in the United States for the sanctioning of the legalized practice of physical therapy in any state (Chapters 5.6 and 5.7 of Division 2 of the Business and Professions Code); and

WHEREAS, The Legislature of the State of California has established high educational requirements and qualifications for all physical therapists in the state through the enactment of such laws; and

WHEREAS, The Department of Health, Education and Welfare has denied over 1,200 physical therapists in the State of California the right to serve the public in their professional capacity under the Medicare Act by its rules and regulations defining physical therapists qualified to participate under the Medicare Act; and

WHEREAS, Senate Bill No. 1538, enacted as Chapter 1344 of the 1967 Statutes of the State of California, recognizes the fact that there is an acute shortage of physical therapists in the State of California, and the elimination of so many qualified physical therapists from the medicare program is decidedly contrary to the public interest; and

WHEREAS, The restrictive administrative definition of a qualified physical therapist promulgated by the United States Department of Health, Education and Welfare will only serve to make the shortage of physical therapists in the State of California more critical, will deprive many patients in the medicare program of physical therapy treatments, and will be contrary to the concept of total health care because many well-qualified physical therapists licensed or registered by the Board of Medical Examiners are not eligible to participate in

the program as a result of such restrictive definition of a qualified physical therapist; and

WHEREAS, The 89th Congress recognizes the important contribution of physical therapy services to total health care in the passage of Public Law 89-97, the "Medicare Act"; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to direct the Department of Health, Education and Welfare to reexamine its present definition of physical therapists qualified to participate in the medicare program as it applies to the State of California and the impact it will have upon the provision of services in California; and be it further

Resolved, That the United States Department of Health, Education and Welfare be directed to amend its definition of qualified physical therapists to be inclusive of all physical therapists legally sanctioned to practice physical therapy in the State of California so that such legally sanctioned physical therapists are not excluded from serving the public in their professional capacity under the medicare program; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Health, Education and Welfare.

RESOLUTION CHAPTER 102

Assembly Concurrent Resolution No. 3—Relative to the naming of a bridge in memory of A. S. Murphy.

[Filed with Secretary of State May 23, 1968]

WHEREAS, The late A. S. Murphy contributed greatly to the welfare and betterment of Humboldt County and the north coast area of California; and

WHEREAS, Mr. Murphy, as president and chairman of the board of the Pacific Lumber Company added not only to the economic stability of the county, but in addition gave physical, moral, and financial assistance to the county in every catastrophe that befell it; and

WHEREAS, He assisted the Save the Redwoods League by setting up blocks of outstanding redwood groves to be set aside for later park development, including the Rockefeller Forest, Founder's Grove, Grizzly Creek Forest, the Avenue of the Giants, and Fern Canyon; and

WHEREAS, It is highly fitting that the bridge on State Highway Route 101 between Rio Dell and Scotia be named

the A. S. Murphy Memorial Bridge in memory of the contributions of the late A. S. Murphy; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the bridge on State Highway Route 101 between Rio Dell and Scotia is hereby designated the A. S. Murphy Memorial Bridge, and said official name and designation shall be given to any new bridge constructed in place of the existing bridge on any new location of this portion of Route 101; and be it further

Resolved, That the Department of Public Works is hereby requested to erect and maintain appropriate signs on the bridge showing this official designation; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Department of Public Works.

RESOLUTION CHAPTER 103

Assembly Concurrent Resolution No. 116—Relative to commending the California Pharmaceutical Association for a century of service.

[Filed with Secretary of State May 23, 1968.]

WHEREAS, It has come to the attention of the members that the California Pharmaceutical Association is observing, during 1968, its 100 years of service to the profession and the people of California; and

WHEREAS, The California Pharmaceutical Association has actively supported pharmaceutical education centers and the maintenance of continuing education programs for practicing pharmacists; and

WHEREAS, The California College of Pharmacy, Department of Pharmacy, University of California, now known as the School of Pharmacy, University of California, was established in 1872, primarily through the efforts of the California Pharmaceutical Society, now the California Pharmaceutical Association, and the School of Pharmacy, University of the Pacific, Stockton, California, was established through the efforts of the California Pharmaceutical Association in 1955; and

WHEREAS, The California Pharmacy Foundation Trust Fund, Inc., was established in 1963, by the California Pharmaceutical Association to further the profession of pharmacy by promoting education and research through student loans, scholarships and grants-in-aid; and

WHEREAS, The California Pharmaceutical Association has assisted in the improvement of public health through cooperation with allied health organizations and governing agencies; and

WHEREAS, The California Pharmaceutical Association conducted an extensive seven-months study of pharmaceutical

practices and staffing standards of the 14 state hospitals for the mentally ill and mentally retarded; and

WHEREAS, The California Medical Association, California Pharmaceutical Association, and the State Department of Public Health jointly conducted a 24-months study on fatal aplastic anemia cases alleged to have been associated with the use of the drug chloramphenicol; and

WHEREAS, The California Pharmaceutical Association has consistently supported the state's civil defense program efforts through statewide drug inventory projects and civil defense pamphlet distribution programs; and

WHEREAS, The California Pharmaceutical Association has assisted the various state government agencies regarding professional practices and information for the effective and efficient administration of the State Med-Cal program; and

WHEREAS, The California Pharmaceutical Association has assisted the Office of Economic Opportunity in order to assure that comprehensive neighborhood health centers make proper use of the services of community pharmacists; and

WHEREAS, Member pharmacists of the California Pharmaceutical Association are serving on regional and county comprehensive health planning councils throughout the state; and

WHEREAS, The California Pharmaceutical Association has sought the maintenance of an ethical standard of pharmacy practice which assures the highest quality of pharmaceutical services; and

WHEREAS, The California Pharmaceutical Association created the first national third-party prescription payment program, known as PAID Prescriptions, Inc.; and

WHEREAS, The California Pharmaceutical Association is the professional state society representing the over 10,000 licensed practicing pharmacists of California; and

WHEREAS, The State of California is indeed fortunate that it is possessed of public health associations of the dedication and caliber of the California Pharmaceutical Association, which not only willingly serves its profession, but unselfishly serves the entire community, and possesses the competence, energy and dedication to make a success of its efforts; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members take pleasure in commending the California Pharmaceutical Association for its century of service to the profession and public welfare; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to the California Pharmaceutical Association.

RESOLUTION CHAPTER 104

Assembly Concurrent Resolution No. 119—Relative to adjournment of the Legislature for recess and to reassembling the Legislature after such recess, and fixing the date for such adjournment and such reassembling.

[Filed with Secretary of State May 23, 1968]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That each house of the Legislature shall be in recess from adjournment of its session on May 29, 1968, until 4:00 p.m. on June 5, 1968.

RESOLUTION CHAPTER 105

Assembly Concurrent Resolution No. 109—Approving an amendment to the Charter of the City of Roseville, County of Placer, State of California, ratified by the qualified electors of the city at a municipal election held therein on the ninth day of April, 1968.

[Filed with Secretary of State May 27, 1968.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the Charter of the City of Roseville, a municipal corporation in the County of Placer, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION OF AMENDMENT TO THE CHARTER OF THE CITY OF ROSEVILLE

State of California }
County of Placer } ss
City of Roseville }

We, the undersigned, Willard H. Dietrich, Mayor of the City of Roseville and Wheatley Shearer, City Clerk of the City of Roseville, do hereby certify and declare as follows:

That the City of Roseville is a municipal corporation in the County of Placer, State of California, and is now and at all times hereinafter referred to, was, a City containing a population of more than Thirty-five Hundred (3500) inhabitants and less than Fifty-Thousand (50,000) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States:

That said City of Roseville is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8, Article XI, of the Constitution of the State

of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on December 22, 1954 and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the 10th day of January 1955;

That, in pursuance of Section 8 of Article XI of the Constitution of the State of California, and on its own motion, the Council of the City of Roseville, being the legislative body of said City duly and regularly submitted to the qualified electors of said City of Roseville, a certain proposal for amendment of the Charter of said City, to be voted upon by said qualified electors at a general municipal election held in said City on the 9th day of April 1968, which proposal was designated as proposed Proposition Number 1 (Charter Amendment III);

That said proposed amendment was published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, in the Roseville Press Tribune, which was then and there a newspaper of general circulation, printed, and circulated at and within the City of Roseville, County of Placer, State of California;

That the election at which said proposed Charter Amendment was voted upon was by Resolution set and called for the 9th day of April 1968, which date was not less than Forty, and not more than Sixty days after the completion of the advertising in the newspaper as aforesaid;

That thereafter, the City Council of the City of Roseville did, in the manner provided by law, duly and regularly canvass the returns of said election, and that said Council by Resolution Number 68-33, adopted on the 23rd day of April 1968, declared the result of said election as determined from the canvass of the returns thereof;

That at said muncipal election held on the 9th day of April 1968, said proposed Charter Amendment was ratified and adopted by a majority of the electors of said City voting thereon;

That said proposed Charter Amendment, so ratified by the electors of said City of Roseville, is in the words and figures as follows, to wit:

Proposition Number One (Charter Amendment—III)

Section 7.075 of Article VII of the Charter of the City of Roseville is hereby amended to read as follows:

"Section 7.075. The Council shall annually set aside from the income of each of its revenue-producing public utilities the following amounts and in the following order, to wit: First: An amount fully sufficient for the payment of principal, interest, reserve fund and sinking fund requirements of any revenue bonds or general obligation bonds secured in whole or in part from such utility revenues, the proceeds of which bonds have been applied to the acquisition, construction or

completion of such public utilities. Second: An amount sufficient to pay or provide for the payment of maintenance and operation of such public utilities, including a reserve for maintenance and operation. Third: An amount, from any surplus moneys remaining, to create and maintain a separate utility reserve fund for each of such public utilities. The amount to be set aside in such separate utility reserve fund shall not exceed a sum which, according to the estimate of the City Manager and approved by the Council, shall be sufficient to meet normal depreciation of such public utility. Such utility reserve funds, if established, shall be used for the replacement, betterment and extension of each of said public utilities and, in addition, may be used for the payment of the principal of and interest on, or retirement prior to maturity of, any revenue bonds of the City or any general obligation bonds secured in whole or in part from such public utility revenues, the proceeds of which bonds have been applied to the acquisition, construction or completion of any such utility, if and to the extent that other funds are not then available for such payment.

That we have compared the foregoing Amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such Amendment to said Charter are and each of them is true.

That as to said Amendment this Certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of Roseville to be affixed hereto, this 23 day of April, 1968.

WILLARD H. DIETRICH
Mayor

(SEAL)

Attest:
WHEATLEY SHEARER
City Clerk

and

WHEREAS, The proposed charter amendment, as ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Roseville, as proposed

to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as a part of, the Charter of the City of Roseville.

RESOLUTION CHAPTER 106

Assembly Joint Resolution No. 23—Relative to payments to members of the Philippine Scouts.

[Filed with Secretary of State May 27, 1968.]

WHEREAS, Legislation has been introduced in the Congress of the United States to authorize pay and benefits for members and survivors of members of the Philippine Scouts on the same basis as such pay and benefits are authorized for other members of the armed forces and their survivors; and

WHEREAS, The Philippine Scouts were established in 1901 as part of the United States Army after valiantly serving the Army as guides and as fighting men; and

WHEREAS, In World War II members of the Philippine Scouts were permitted to and did enlist in the United States Army for the purpose of defeating the common enemy; and

WHEREAS, The proposal of Congressman Talcott would have the effect of retroactively paying the Philippine Scouts on a level equal with that of other members of the armed forces; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California supports legislation to authorize equivalent pay for members of the Philippine Scouts, and urges the Congress to enact such legislation; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States.

RESOLUTION CHAPTER 107

Assembly Concurrent Resolution No. 90—Relative to commending the Stanford Summer Festival of the Arts.

[Filed with Secretary of State May 27, 1968.]

WHEREAS, Stanford University will present its fifth Summer Festival of the Arts season from June 25 through August 11, 1968; and

WHEREAS, The Stanford Summer Festival of the Arts has brought special cultural distinction to the State of California through its ambitious, imaginative programming; and

WHEREAS, Cultural opportunities for California residents and visitors have been enhanced by the Stanford Summer Festival's attraction of major professional talents, to wit:

In 1964, three outstanding regional theater companies—the Oregon Shakespearean Festival of Ashland, the National Shakespeare Festival of San Diego and Actor's Workshop of San Francisco—in addition to countertenor Alfred Deller, balladeer Richard Dyer-Bennett and the historically significant collection of Elizabethan era documents from the Plantin-Moretus Museum in Antwerp;

In 1965, the first major Mozart exposition in the United States, featuring the West Coast debut of the celebrated Stuttgart Chamber Orchestra and the New York City Opera Company; the American premiere of Òpera da Camera di Milano from Italy; concert pianist Paul Badura-Skoda of Austria; and the Amadeus Quartet of London;

In 1966, the long-awaited American premiere of Maestro Ernest Ansermet and L'Orchestre de la Suisse Romande from Geneva; the West Coast debut of American Conservatory Theater (A.C.T.), which led to its permanent establishment at San Francisco; pianists Grant Johannesen of the United States and Bruno-Leonardo Gelber of Argentina and France in his American debut; the Lenox Quartet; violinist Johannes Bruening of Germany in his American solo debut; and exhibits of paintings by abstract expressionist and innovator Hans Hoffman and the modern art collection of New York University;

In 1967, a "Focus on America" fete of American creativity, featuring New York's City Center Joffrey Ballet; American Conservatory Theater (A.C.T.); New York Pro Musica; a jazz series including the Preservation Hall Jazz Band from New Orleans, the Count Basie Orchestra and the Denny Zeitlin and Jon Hendricks modernist groups; the Philadelphia Quartet; pianist Grant Johannesen; cellist Zara Nelsova; showings of television's creative highlights; and exhibits of Mark Tobey paintings, urban and architectural designs by Frederick Law Olmstead and theater cartoons by Al Hirschfeld; and

WHEREAS, This tradition of excellence is being extended in a 1968 Stanford Summer Festival which includes Association of Producing Artists (APA), Broadway repertory theater company; Indian sitarist Ravi Shankar; the Don Ellis jazz orchestra; organist Carl Weinrich; the Parrenan Quartet in addition to return engagements by New York City Center Joffrey Ballet, New York Pro Musica and the Preservation Hall Jazz Band; and

WHEREAS, California has gained international attention and acclaim through the creativity and initiative of the Stanford Summer Festivals of the Arts; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend, congratulate and endorse the Stanford Summer Festival of the Arts and heartily recommend its 1968 "Fifth Anniversary Season" program to the citizens of California and to its many summer visitors; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the President of Stanford University and to the Director of the Stanford Summer Festival of the Arts.

RESOLUTION CHAPTER 108

Assembly Concurrent Resolution No. 95—Relative to proclaiming Restaurant Week.

[Filed with Secretary of State May 27, 1968.]

WHEREAS, The food industry is the fifth largest in the United States; and

WHEREAS, Fine dining is a tradition in San Francisco and California, and one of the major attractions for visitors in San Francisco and California is the host of outstanding restaurants; and

WHEREAS, Some 30,000 restaurateurs and purveyors will attend the fourth Western National Restaurant Convention and Exposition from 13 western states, including Alaska and Hawaii, August 18, 19, 20 and 21, 1968; and

WHEREAS, This convention is being held this year under the cosponsorship of the Golden Gate Restaurant Association and the National Restaurant Association, marking the fourth time San Francisco and California have been accorded the honor of hosting this affair, an honor never afforded any other city or state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to issue a proclamation designating the week beginning August 18, 1968, as "Restaurant Week"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 109

Assembly Concurrent Resolution No. 110—Relative to the observance of Memorial Day.

[Filed with Secretary of State May 27, 1968.]

WHEREAS, Memorial Day will fall on Thursday, May 30, 1968, a national and a state holiday; and

WHEREAS, One of the purposes of Memorial Day is to recall to all Americans, and especially to the youth of our great nation, the sacrifices made since the formation of our country by the gallant men and women who served in the armed forces during the times of our national conflicts, many of whom made the supreme sacrifice of offering of their lives in the defense of our land and of our liberties; and

WHEREAS, The observance of Memorial Day officially began during the years immediately following the end of the American Civil War; and

WHEREAS, Now, Memorial Day is dedicated to the eternal memory of all the deceased veterans of our national wars and periods of armed hostilities; and

WHEREAS, In the City of Sacramento a public program of Memorial Day observance is planned for Thursday, May 30, 1968, which will include a parade at 10 a.m. in downtown Sacramento, followed by ceremonies at 11 a.m. in Memorial Grove in State Capitol Park, featuring an address stressing the significance of Memorial Day; and further commemorative services will be held during the course of the day including ritualistic river ceremonies at 8 .30 a.m. at the I Street Bridge, and commemorative services in the Sacramento Veterans Memorial Cemetery on Fruitridge Road at 2 p.m.; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That all people who dwell in California are urged to take special cognizance of Memorial Day, May 30, 1968, and to be ever mindful of the glorious role performed in our national history by the veterans, now deceased, who have comprised our armed forces, and that the members invite all people who dwell in the vicinity of Sacramento to participate actively in the observance of Memorial Day 1968 by sharing in the planned public program of exercises in the Sacramento Memorial Day program sponsored by the Veterans Affiliated Council and under the general chairmanship of its commander, Joseph P. Ahearn, assisted by Parade Chairman James C. Moody; and be it further

Resolved, That the Members of the Legislature of the State of California express their fullest thanks and appreciation to the numerous organizations which constitute the Veterans Affiliated Council in Sacramento which has made possible the Memorial Day program set for May 30, 1968; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Joseph P. Ahearn, general chairman, Memorial Day program, Veterans Affiliated Council in Sacramento, and to James C. Moody, parade chairman.

RESOLUTION CHAPTER 110

Senate Concurrent Resolution No. 2—Relative to a study of arbitration.

[Filed with Secretary of State May 28, 1968]

WHEREAS, The California Law Revision Commission submitted a recommendation which resulted in the enactment in 1961 of Code of Civil Procedure Sections 1280 to 1294.2, relating to arbitration; and

WHEREAS, Experience under the 1961 statute has been generally satisfactory, but recent cases indicate that the effect of an arbitration clause upon the right of a party to file a mechanics' lien or to obtain provisional relief such as attachment is uncertain; and

WHEREAS, The commission in its annual report covering its activities for 1967 has noted this uncertainty and has recommended that it be authorized to make a supplemental study to determine whether the law relating to arbitration should be revised; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature authorizes the California Law Revision Commission to make a study with respect to whether the law relating to arbitration should be revised.

RESOLUTION CHAPTER 111

Senate Concurrent Resolution No. 62—Relative to proclaiming "Sicilian Earthquake Relief Week."

[Filed with Secretary of State May 28, 1968]

WHEREAS, The Order Sons of Italy in America is ending its Sicilian earthquake relief fund drive on June 1, 1968; and

WHEREAS, On January 14 and 15, 1968, certain areas in Sicily suffered severe and devastating earthquakes, which were followed by more than 80 other earthquakes, which rendered further havoc in surrounding towns and communities during the next few weeks; and

WHEREAS, The most reliable estimates to date have placed the number of people dead at more than 350; more than 80,000 persons were left homeless; more than 3,000 persons were seriously maimed or injured; hundreds of churches were destroyed; over 40,000 homes were demolished; thousands of acres of ripe wheat were ruined; and total damage is estimated to be in excess of $800,000,000; and

WHEREAS, The following towns in Sicily were either totally destroyed or seriously damaged: Gibellina, Montevago, Santa

Margherita di Belice, Santa Ninfa, Salaparuta, Poggioreale, Partanna, Castelvetrano and Salemi; and

WHEREAS, The citizenry of these devastated areas have undergone severe hardships as a result of such earthquakes and are desperately in need of relief; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members hereby request the Governor to proclaim the week of May 26 through June 1, as "Sicilian Earthquake Relief Week,"; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the Governor; to the mayors of the stricken cities of Gibellina, Montevago, Santa Margherita di Belice, Santa Ninfa, Salaparuta, Poggioreale, Partanna, Castelvetrano, and Salemi; and to Peter J. DeSantis, Grand Venerable, Grand Lodge of California; Bruno S. Giuffrida, Ex-Grand Venerable, Grand Lodge of California; and Peter J. Bertoglio, Supreme Venerable, Order Sons of Italy in America.

RESOLUTION CHAPTER 112

Senate Concurrent Resolution No. 73—Approving the Charter amendments to the Charter of the City of Albany, County of Alameda, State of California, ratified by the qualified electors of said city at the general municipal election held therein on the ninth day of April, 1968.

[Filed with Secretary of State May 28, 1968.]

WHEREAS, The City of Albany, County of Alameda, State of California, contains a population in excess of 3,500 inhabitants, and has been ever since the year 1927 and now is, organized and acting under a charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at the special municipal election held for that purpose on the 26th day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, Page 2312); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Albany, as set out in the certificate of the Mayor and City Clerk of said City of Albany, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF ALBANY AT THE GENERAL MUNICIPAL ELECTION HELD ON THE 9TH DAY OF APRIL IN THE YEAR ONE THOUSAND NINE HUNDRED AND SIXTY EIGHT, OF CERTAIN AMENDMENTS TO THE CHARTER OF ALBANY, STATE OF CALIFORNIA.

State of California }
County of Alameda } ss.
City of Albany }

We, Richard O. Clark, Mayor of the City of Albany, and Myrtle J. McLean, City Clerk of the City of Albany, do hereby certify as follows:

That said City of Albany, in the County of Alameda, State of California, is now and was at all times herein mentioned, a city containing more than 3500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Albany is now and was at all times herein mentioned, organized and existing under a Charter adopted under the provisions of Section 8, of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said city at the Special Municipal Election held therein on the 26th day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, Page 2312), and by Resolution of said Legislature filed with the Secretary of State of the State of California on the 19th day of April, 1927 (Statutes 1927, Chapter 53, Page 2312); and

Pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the Legislative Body of said city, namely: The City Council of said city, did on its own motion and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, duly propose to the electors of said City of Albany certain amendments to the Charter of said city; and ordered that said amendments be submitted to said electors of said city at the General Municipal Election to be held in said city on the 9th day of April, 1968; and

That said proposed amendments were, on the 28th day of February, 1968, duly published in the "Albany Times", a newspaper of general circulation, published in the City of Albany, and the official newspaper designated by said City Council for that purpose and in each edition thereof;

That said City Council did, by Resolution designated as Resolution No. 68-9, which was duly adopted on the 4th day of March, 1968, call for and give notice of the General Municipal Election in the City of Albany on the 9th day of April, 1968, which date was more than 40 days and less than 60 days after the completion of the publication of the said proposed amendments to the Charter of the City of Albany as aforesaid; and

That said General Municipal Election was held in said city on said 9th day of April, 1968, which date was more than 40 days and less than 60 days after said proposed amendment to said Charter had been published in said "Albany Times", as aforesaid; and

That at said General Municipal Election held as aforesaid, on said 9th day of April, 1968, a majority of the voters voted in favor of the three (3) proposed amendments, as hereinafter

set forth, to the Charter of the City of Albany and duly ratified same; and

That the City Council of the City of Albany, after duly canvassing the returns of said General Municipal Election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters voted thereon, and voted in favor of and ratified said proposed amendments to the Charter of the City of Albany, which amendments are in words and figures as follows, to wit:

Proposed Charter Amendment No. 1

That subsections (i), (q) and (r) of Section 49 of the Charter of the City of Albany be deleted, and in lieu thereof, the following be inserted:

Section 49. (q)—Disciplinary Actions.

(1) The Chief of the Department shall be vested with powers of discipline of its members and for cause may suspend same up to thirty (30) calendar days, or impose a fine not in excess of one (1) month's pay, and further, shall be allowed full freedom in his action in such matters, it being the intention and spirit of this section to provide a fair and honest approach to employment and subsequent promotion in such Departments, but, in no sense, to curtail or handicap the responsible administrative officer or officers in securing efficient services.

Any person disciplined in accordance with the above provision shall immediately be notified in writing of such charges, either by certified mail or delivery in person, and may, within five (5) days of delivery of such notice, appeal such action to the Trial Board, as hereinafter established, by filing a written appeal with the Secretary of the Civil Service Board. Informational copies of such charges shall be transmitted to each member of the Council.

Within two (2) weeks of the filing of such appeal, the Trial Board shall commence the hearing thereof and fully hear and determine the matter and either affirm modify or revoke the disciplinary order, which decision shall be rendered within fifteen (15) days of submission. The decision shall be in writing and contain findings of fact, and the action taken. Copies of the decision shall be delivered to the appellant and the Chief of the Department from whose order the appeal is taken, either personally or sent to them by certified mail, and the decision enforced forthwith. Informational copies of such decision shall be transmitted to each member of the Council.

(2) In the event the Chief of the Department recommends disciplinary action in excess of thirty (30) calendar days suspension, or a fine in excess of one (1) month's pay, or expulsion, written charges shall be filed with the Civil Service Board and a copy shall be delivered to the employee to be so dis-

ciplined, either in person or by certified mail. Informational copies of such recommendation shall be transmitted to each member of the Council.

Within two (2) weeks of such filing, the Trial Board shall commence a hearing thereof. The Trial Board shall fully hear and determine the matter, and the Clerk of said Board shall report the minutes of the said hearing. Upon completion of such hearing, the Trial Board shall transmit its findings and recommendation thereon, together with the records of the hearing, and the recommendation of the Chief of the Department, to the City Council. The Council may affirm, modify or reject the recommendation so submitted, and the action of the City Council thereon shall be final. In the event the Council does not render its final decision within thirty (30) days from receipt thereof, the recommendation of the Trial Board shall become final. All actions of the Council thereon shall be considered in closed personnel sessions, unless the accused waives such closed session, and at his request, the hearing(s) shall be public.

(3) If the Chief of the Department takes actions pursuant to paragraphs (1) and (2) herein, there shall be but one (1) hearing by the Trial Board, which hearing shall be pursuant to the provisions of paragraph (2); said Trial Board shall render its decision in accordance with the requirements of paragraphs (1) and (2) herein.

Section 49. (r) Trial Board.

There shall be created, at the time of appeal or when charges are filed with the Civil Service Board, for the purpose of hearing and determining charges made against an officer or member of the Fire or Police Department, a board to be known as the "Trial Board", which shall be composed of seven (7) members, to wit: three (3) members of the Civil Service Board, two (2) City Employees appointed by the Civil Service Board from departments other than that of the accused, and two (2) members chosen by the accused, both of whom shall be registered voters of the City, and not City employees. A quorum of the Trial Board shall be five (5) members. An employee as aforesaid is defined as a full-time salaried employee of the City.

The presiding officer of the Trial Board shall be elected by the members of the Trial Board.

The Clerk of the Trial Board shall be a court reporter provided by the City to fully transcribe the proceedings of the hearing.

Oral evidence shall be taken only on oath or affirmation. Each party shall have these rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which

party first called him to testify; and to rebut the evidence against him.

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

All hearings of the Trial Board shall be closed hearings; provided, however, the accused employee may, at his discretion, waive such closed hearing and at his request, the same shall be public.

The Trial Board shall give notice to the parties of the time and place of the hearing.

Only members hearing all the evidence shall participate in the decision. The decision shall be made by the majority of the Trial Board.

The Rules and Procedures of the Trial Board shall apply in full to Section 49(q), paragraphs (1), (2) and (3).

Proposed Charter Amendment No. 2

That the Albany City Charter shall be amended by adding the following to Section 23 thereof:

"Provided, however, upon the recommendation of the Board of Library Trustees, the City Council may, by ordinance, transfer the administration and operation of the City's Free Library to another public entity; the ordinance may provide for the appointment by the Council of appropriate representatives to the succeeding public entity, and upon the said transfer the duties of the Board of Library Trustees shall be limited to that of an advisory board to the City Council."

That Section 8 of the Albany City Charter shall be amended by adding after the words, "five library trustees", the following: "subject to the provisions of Section 23."

Proposed Charter Amendment No. 3

That Section 50(j) of the Charter of the City of Albany be amended by deleting the words, "on the first Tuesday of each month", and inserting in lieu thereof the following: "on the last workday of each month for which pension payments have accrued", and also deleting the words, "When such list has been entered by the Auditor, he shall transmit the same to the City Council, which City Council shall order the payment of the amount named therein out of the Police and Fire Relief and Pension Fund", and inserting in lieu thereof the following: "Payment of the amount named therein shall then be made out of the Police and Fire Relief and Pension Fund, and need not be approved by the Council prior to payment. However, the said list shall be entered by the Auditor and transmitted to the City Council for approval and ratification at the next meeting after the delivery of the pension checks"; that the entire Section 50(j) shall thenceforth read as follows:

"Section 50. (j)—Meetings and Duties of Board.

"The Board herein provided for shall hold monthly meetings on the last workday of each month for which pension payments have accrued, and upon the call of its President; it shall issue warrants signed by its President and Secretary to persons entitled thereto of the amount of money ordered paid to such person from such fund by said Board, which warrant shall state for what purpose said payment is to be made; it shall keep a record of all of its proceedings, which records shall be public records; it shall, at each monthly meeting, send to the Auditor of the City of Albany a list of all persons entitled to payments of the funds herein provided for, stating the amount of such payments and for what granted, which list shall be certified to and signed by the President and Secretary of such Board, and attested under oath. The Auditor shall thereupon enter a copy of said list upon a book to be kept for that purpose, which shall be known as "The Police and Fire Relief and Pension Fund Book". Payment of the amount named therein shall then be made out of the Police and Fire Relief and Pension Fund, and need not be approved by the Council prior to payment. However, the said list shall be entered by the Auditor and transmitted to the City Council for approval and ratification at the next meeting after the delivery of the pension checks. A majority of all of the members of said Board herein provided for shall constitute a quorum and have power to transact any and all business."

The foregoing is a full, true and correct copy of said proposed Amendments to the Charter of the City of Albany, ratified by the electors of said city as aforesaid, on file in the Office of the City Clerk of the said City of Albany.

In witness whereof, Richard O. Clark, Mayor as aforesaid, and Myrtle J. McLean, City Clerk, as aforesaid, have hereunto set their hands and caused the Seal of the City of Albany to be thereunto duly affixed, on this 23 day of April, 1968.

(SEAL)

RICHARD O. CLARK
Mayor of the City of Albany
MYRTLE J. McLEAN
City Clerk of the City of Albany

Prepared and approved by:
LAWRENCE D. SALER,
City Attorney, City of Albany.

and

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected

to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Albany as submitted to, and adopted and ratified by the qualified electors of said city, and as hereinbefore fully set forth, be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of the said City of Albany.

RESOLUTION CHAPTER 113

Assembly Joint Resolution No. 24—Relative to handicapped taxpayers.

[Filed with Secretary of State June 10, 1968]

WHEREAS, There is presently before Congress legislation which would allow deductions for transportation to and from work for severely handicapped persons for the purpose of the federal income taxes; and

WHEREAS, Severely handicapped persons are heavily burdened by special costs brought about by their handicaps and often find themselves on the welfare rolls; and

WHEREAS, Every effort should be made to enable these persons to earn their own living and make their contributions to the economic well-being of their community; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California urges the House of Representatives and the Senate to enact legislation which would allow deductions for transportation to and from work for severely handicapped persons for the purpose of the federal income taxes and urges President Lyndon B. Johnson to sign it into law; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to Representative Wilbur D. Mills, and to the Joint Handicapped Council.

RESOLUTION CHAPTER 114

Assembly Concurrent Resolution No. 121—Approving an amendment to the Charter of the City of Napa, County of Napa, State of California, ratified by the qualified electors of the city at a special election held therein on the ninth day of April, 1968.

[Filed with Secretary of State June 10, 1968]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the

Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California
County of Napa } ss
City of Napa

CERTIFICATE OF RATIFICATION OF AMENDMENT TO THE CHARTER OF THE CITY OF NAPA

We, the undersigned, Ralph Trower, Mayor of the City of Napa, and Allen R. Thorpe, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times herein mentioned, was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of said City of Napa at an election held for that purpose on the 16th day of December, 1914, and approved by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Napa on its own motion by resolution duly made and entered on the minutes of said City Council, on February 19, 1968 duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa one proposed amendment to the Charter of said City of Napa, said charter amendment being designated as Proposed Charter Amendment filed in the office of the Clerk of said City of Napa on said February 19, 1968, and further ordered that said charter amendment should be submitted to and voted upon by the qualified voters of said City at a Consolidated General Election called and held for that purpose in said City on the 9th day of April, 1968.

That said proposed charter amendment was published on the 20th day of February, 1968 in the Napa Register, a newspaper of general circulation printed and published in the City of Napa, and in all editions thereof issued during said day of publication.

That said proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of

Article XI of the Constitution of the State of California on the 13th and 20th days of March, 1968, in the "Napa County Record", a newspaper of general circulation printed and published in said City of Napa, and in all the editions thereof issued during said day of publication.

That said General Municipal Election was held in said City of Napa on April 9, 1968, and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendment designated as Proposed Charter Amendment and that the City Council of the City of Napa, as provided by law, duly and regularly canvassed the returns of said election on the 16th day of April, 1968, and did duly find, determine and declare the result of said election to be that a majority of the qualified voters of said City voting on said proposed charter amendment had voted for and ratified said amendment, and that the City Clerk did enter on the record and in the minutes of said City Council a statement of the result of said election.

That as to the proceedings taken relating to the amendments to the Charter of the City of Napa hereinafter set forth, the provisions of Section 8, Article XI, of the Constitution of the State of California and the laws of the State of California applicable thereto have been substantially complied with.

That said amendment to the Charter of the City of Napa, so ratified by the electors of said City of Napa, is in words and figures as follows:

Section 15. The members of the City Council shall receive compensation for their services only upon the passage of an ordinance providing for such compensation. No ordinance so enacted shall be valid if the amounts of compensation provided for therein are in excess of the limits provided for General Law Cities in Section 36516 of the Government Code of the State of California as it presently exists or may hereafter be amended by the State Legislature. Any change in compensation shall not apply to a member of the Council during his term of office except that when a member of the Council becomes eligible for such adjustment by reason of starting a new term of office other members shall likewise become eligible for such adjustment.

That we have compared the foregoing amendment with the original proposal submitted to the electors of said City of Napa and find that the foregoing is full, true, correct and exact copies thereof, and we further certify that the facts set forth in the preambles of this certificate preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 16th day of April, 1968.

RALPH TROWER
(SEAL) Mayor of the City of Napa, State of California
ALLEN R. THORPE,
City Clerk of the City of Napa, State of California

and

WHEREAS, The proposed charter amendment, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Napa, as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Napa.

RESOLUTION CHAPTER 115

Assembly Concurrent Resolution No. 122—Relative to Reserve Officers Training Corps.

[Filed with Secretary of State June 10, 1968]

WHEREAS, The R.O.T.C. program for training officers for the Army, Navy, and Air Force has been made available to many students of the nation's colleges and universities; and

WHEREAS, The program has given the United States many outstanding officers in the Army, Navy, and Air Force and has contributed substantially to the high quality and dedication of those serving in the military services; and

WHEREAS, The National Society of Scabbard and Blade, an honorary society in the R.O.T.C. program, and the University of California at Santa Barbara are sponsoring a conference on the R.O.T.C. program to be held in Santa Barbara during the last weekend in May of this year to consider the activities of the program and the personnel participating in it; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge Governor Ronald Reagan to proclaim May 30 through June 2, 1968, as

R.O.T.C. Weekend in recognition of the outstanding service which the R.O.T.C. program has rendered to the nation and in recognition of the conference on the program being held at that time in Santa Barbara; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Governor Ronald Reagan and The National Society of Scabbard and Blade.

RESOLUTION CHAPTER 116

Assembly Concurrent Resolution No. 123—Relative to "Shrine Hospital Day" and the 46th anniversary of the founding of the Shriners hospitals.

[Filed with Secretary of State June 10, 1968]

WHEREAS, This year marks the 46th anniversary of the first Shriners hospital started by the Ancient Arabic Order of the Nobles of the Mystic Shrine in California and the nation; and

WHEREAS, During the past 46 years the Shriners hospitals have cured or materially helped more than 152,000 children, at a cost of more than $113,000,000; and

WHEREAS, During the present year more than $14,000,000 has been earmarked for administration, maintenance and operating costs; and

WHEREAS, The Nobles of Islam Temple in San Francisco and Al Malaikah in Los Angeles, of the Mystic Shrine which operate hospitals for crippled children and burns institutes deserve the wholehearted appreciation of every Californian for their great humanitarian work, and the Nobles of Aahmes in Oakland, Ben Ali in Sacramento, Tehran in Fresno, El Bekal in Long Beach, Al Bahr in San Diego, Kerak in Reno, deserve the utmost praise for their united efforts in this great work; and

WHEREAS, The Shriners hospitals for crippled children and the burns institutes are dedicated to the total care and treatment of all children regardless of race or creed; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members congratulate the Shriners hospitals on the occasion of the 46th anniversary of their founding and request Governor Reagan to proclaim Sunday, June 2, 1968, as "Shrine Hospital Day" in California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Reagan.

RESOLUTION CHAPTER 117

Assembly Concurrent Resolution No. 127—Relative to proclaiming the week of May 26 through June 1, 1968, as Beach Safety Week.

[Filed with Secretary of State June 10, 1968]

WHEREAS, Beaches throughout the State of California serve an important role in our lives for the recreation they provide; and

WHEREAS, The surf is a magnet that attracts young and old alike to the beach, and surf activities have a strong appeal suitable for wide public participation; and

WHEREAS, Public safety is a basic consideration in beach operations, and the beaches which provide adequate lifeguard service are a safe place for children and adults to enjoy their leisure time; and

WHEREAS, Beach lifeguards are trained in surf safety, and their experience and judgment in this connection are respected; and

WHEREAS, Establishment of an annual beach safety week is a means of calling public attention to the many hazards of the surf and to the role that beach lifeguards play in insuring public safety; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members respectfully request the Governor of the State of California to proclaim May 26 through June 1, 1968, as Beach Safety Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 118

Senate Concurrent Resolution No. 17—Relative to the financing of driver instruction.

[Filed with Secretary of State June 10, 1968]

WHEREAS, Driver instruction in California secondary schools is composed of a classroom course termed driver education and a laboratory course termed driver training (behind the wheel); and

WHEREAS, Driver education is financed by local school districts on a regular ADA basis with other academic subjects; and

WHEREAS, Driver training is an "excess cost" course, the costs of which are reimbursed to local school districts through California's Penalty Assessment Fund; and

WHEREAS, The Penalty Assessment Fund is created by a levy against moving traffic violations at the rate of $3 per $20 of fine or fraction thereof; and

WHEREAS, Reimbursements to local districts are made to cover excess costs of driver training, not to exceed $50 per student trained; and

WHEREAS, The rate of reimbursement has been increased in stages from $35 per student to the present level of $50 per student trained, which is more than a 40-percent increase; and

WHEREAS, Penalty assessments have been increased 300 percent from $1 per $20 of traffic fine to the present level of $3; and

WHEREAS, There is wide variation from district to district in reporting costs of the driver training program; and

WHEREAS, These variations stem, in part, from the absence of an accounting manual or specific administrative directive on some items reported as legitimate program costs; and

WHEREAS, It has been alleged that program costs are inflated in some districts by the costs of adult programs, programs offered to private schools, and inclusion of facilities and services not directly related to driver training; and

WHEREAS, It has been alleged that costs are further inflated in some districts by obtaining free automobiles from auto dealers and reporting "fair market value" of such automobiles as a cost to the driver training program; and

WHEREAS, These and other variants have led school districts to report costs of the program ranging from $28.97 to $129.17 per student trained; and

WHEREAS, There are no data correlating high quality programs directly with high expenditures; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature requests that an objective analysis of financing and costs of driver instruction programs in secondary schools be conducted by the office of the Legislative Analyst with the cooperation of the Office of the Auditor General, Joint Legislative Audit Committee, the Department of Education and other departments or agencies deemed advisable by the Legislative Analyst to aid in accurate and uniform reporting by all affected school districts; and be it further

Resolved, That such study shall include a comparison of driver instruction costs in secondary public schools with similar programs offered by commercial driving schools operated as free enterprises; an analysis of the administration of funds connected with the driver training program, including, but not limited to, such information as who administers such funds at the various levels of administration, the amount of such funds, how the money is distributed, the administrative controls over the distribution of such funds; and whether the assessments to the Penalty Assessment Fund for driver training should be continued; and be it further

Resolved, That a report of the study findings be transmitted by the Legislative Analyst to the State Legislature on or before February 1, 1969.

RESOLUTION CHAPTER 119

Senate Concurrent Resolution No. 46—Relative to the chronic respiratory disease problem in California.

[Filed with Secretary of State June 10, 1968]

WHEREAS, Throughout the nation and in California, the chronic respiratory diseases, emphysema, chronic bronchitis, asthma, and other permanently disabling chronic pulmonary diseases, are increasing in incidence and mortality to epidemic proportions; and

WHEREAS, For these chronic debilitating conditions, approximately two million visits to physicians are made by patients annually in California; and

WHEREAS, Approximately 8 percent of all allowed disability benefits are for chronic respiratory disease (other than tuberculosis) and approximately 9 percent of awards granted for initial disabled workers from Social Security are for these conditions, an allotment of $18 million being expended annually for some 14,000 cases in California; and

WHEREAS, The number of deaths from emphysema in California has doubled for each four-year interval since 1950, with 158 deaths in that year compared to 2,466 deaths in 1965; and

WHEREAS, Many persons with these crippling lung diseases are not under any medical care and also many with these afflictions are being diagnosed only in advanced stages which require hospitalization; and

WHEREAS, Most of the known cases in California are not under optimal medical care since adequate facilities for diagnosis and treatment exist only in certain larger medical centers; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members, in recognizing the importance of reducing the incidence, mortality, and severity of these chronic respiratory diseases in California, strongly urge that the state agency (State Department of Public Health) and the advisory council (State Health Planning Council) responsible for implementing Public Law 89-749 (The Comprehensive Health Planning and Public Health Service Amendments of 1966) in California take due cognizance of the chronic respiratory disease problem and the need for optimal effort in prevention, early detection, treatment, and rehabilitation and include such prevention, detection, treatment, and rehabilitation among priority items in the California Comprehensive Health Plan when such is submitted

to the United States Department of Health, Education and Welfare; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Chairman and members of the State Health Planning Council and to the Director of the State Department of Public Health.

RESOLUTION CHAPTER 120

Assembly Concurrent Resolution No. 96—Relative to hearing of bills.

[Filed with Secretary of State June 11, 1968]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Rule 10.9 of the Temporary Joint Rules of the Senate and Assembly for the 1968 Regular Session be amended to read as follows:

Hearing of Bills

10.9. Each bill shall be set for hearing and heard by the committee to which it has been first assigned in the house of origin within 60 calendar days after introduction, exclusive of any recesses of more than three days. If a bill is not so heard by such committee, the committee shall return the bill to the house and the bill shall not be acted upon by either house. If an author so requests in writing, a bill shall not be set for hearing and shall be returned to the house and not acted upon by either house.

As used in this rule, "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

This rule does not apply to bills first assigned to the Committee on Finance or the Committee on Ways and Means.

RESOLUTION CHAPTER 121

Senate Concurrent Resolution No. 35—Relative to the enforcement of laws on freeways within the Cities of Los Angeles and San Diego.

[Filed with Secretary of State June 12, 1968]

WHEREAS, On February 14, 1968, the Los Angeles City Council, pursuant to Section 2400 of the Vehicle Code, passed a resolution requesting the California Highway Patrol to assume the administration and enforcement of state and local traffic laws and ordinances for all vehicles on freeways within the City of Los Angeles; and

WHEREAS, On April 23, 1968, the San Diego City Council, pursuant to Section 2400 of the Vehicle Code, passed a resolution requesting the California Highway Patrol to assume the administration and enforcement of state and local traffic laws and ordinances for all vehicles on freeways within the City of San Diego; and

WHEREAS, Certain conditions regarding the funds of the California Highway Patrol and the level of service to be maintained were set forth in those resolutions; and

WHEREAS, The Legislature has been made aware of these resolutions and the conditions therein through proper notification; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members are aware of the conditions set forth by the City Councils of Los Angeles and San Diego in their respective resolutions requesting the California Highway Patrol to assume the administration and enforcement of state and local traffic laws and ordinances on freeways within those cities; and be it further

Resolved, That the Legislature does hereby indicate that it will be the policy of the state to comply where legally and practicably possible and to cooperate with the intent of the aforementioned resolutions passed by the Cities of Los Angeles and San Diego; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Los Angeles City Council and to the San Diego City Council.

RESOLUTION CHAPTER 122

Assembly Joint Resolution No. 10—Relative to review by federal government of restrictions on grants-in-aid to state and local governments.

[Filed with Secretary of State June 13, 1968.]

WHEREAS, Federal grants and shared revenues to state and local governments in California between 1955 and 1965 increased from 263 millions per year to one billion a year; and

WHEREAS, Estimates indicate a 590-percent federal expenditure increase for programs in the fields of education, health, urban development, economic development and poverty; and

WHEREAS, Uniform federal grant-in-aid program standards tend to restrict the ability of California state and local governments to adequately deal with state and local problems; and

WHEREAS, California is unique in the magnitude of its problems and its internal ability to attack these problems; and

WHEREAS, Certain federal categorical grant-in-aid programs tend to distort state budgets by their matching and other provisions; and

WHEREAS, It appears that formulas used for distributing grant funds work to the disadvantage of large urban states such as California; and

WHEREAS, The California Intergovernmental Council on Urban Growth established by the Legislature which includes representatives of the state, cities, counties and school districts has recommended that the Legislature of California actively seek the review of categorical restrictions on grants-in-aid to state and local governments; and

WHEREAS, State and local units of government are generally able to solve their problems where they have jurisdiction; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take all reasonable action to review categorical restrictions on grants-in-aid to state and local governments; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 123

Assembly Joint Resolution No. 27—Relative to seizure of American fishing boats off South America.

[Filed with Secretary of State June 13, 1968]

WHEREAS, The traditional policy of the United States is to support the principle of the freedom of the seas, and to this end this country does not recognize claims to jurisdiction over waters greater in breadth than 12 miles from the baseline of the territorial sea, and it is the view of the United States, acting through the Department of State, that under international law, it is not required to recognize such claims; and

WHEREAS, Seizures of American-Flag vessels, and in particular, tuna clippers based in the ports of San Pedro and San Diego, California, have taken place as the result of territorial sea claims of no less than 200 miles from the baseline of the territorial sea by naval forces of the countries of Ecuador and Peru; claims which are strictly contrary to the traditional position of the United States with regard to the seaward limits of national jurisdiction; and

WHEREAS, Within the past seven years, the naval forces of Ecuador and Peru have seized 57 tuna clippers on the high seas; and

WHEREAS, On March 2, 1968, the Ecuadorian warship "Esmeraldas," a former U.S. naval vessel, seized the San Diego

based tuna clipper "Navigator" while this vessel was 23 miles off the Ecuadorian coast, and the government of Ecuador imposed fines totaling $6,982; and

WHEREAS, The same warship on March 20, 1968, seized the San Pedro based tuna clipper "Paramount" while this vessel was 46 miles off the Ecuadorian coast, and the government of Ecuador imposed fines totaling $30,000; and

WHEREAS, Such actions may cause California fishing vessels to be driven from the high seas with resulting critical, if not fatal, damage to the California fishing industry; and

WHEREAS, The efforts of the Department of State to end seizures and detentions of American-Flag tuna vessels have been ineffective, and the United States Navy and the United States Coast Guard have no authority to exercise protective activities over American-Flag vessels on the high seas, and in particular the eastern tropical Pacific; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact "legislation" relative to the unlawful seizure of United States vessels by foreign countries; and be it further

Resolved, That the President of the United States take whatever action he may deem proper to ensure that further seizures of this nature will not occur; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 124

Senate Concurrent Resolution No. 75—Relative to Women in Aviation Week and Powder Puff Derby Day.

[Filed with Secretary of State June 14, 1968.]

WHEREAS, The State of California has led the nation in the aviation industry for the last 50 years; and

WHEREAS, The most notable pioneer flights have originated in this state, and California has been the home of many of the greatest figures in the history of aviation; and

WHEREAS, The women of California have made significant contributions in aviation production, in air transport, and in the space program; and

WHEREAS, This state has been chosen as the site of the 1968 convention of the 99's, the International Society of Women Pilots, and as the site of the 1968 Powder Puff Derby takeoff; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor

to issue a proclamation designating the week beginning June 30, 1968, as "Women in Aviation Week," and July 6, 1968, as "Powder Puff Derby Day" throughout this state; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 125

Assembly Concurrent Resolution No. 30—Relative to awards to state employees.

[Filed with Secretary of State June 14, 1968.]

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one hundred fifty dollars ($150) when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Laurence E. Hankard, Department of General Services, for a suggestion that results in annual savings of nineteen thousand eighty dollars ($19,080) by recommending that textbooks be packed into cartons for shipping directly off the book forming and pressing machine at the State Printing Plant; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Leo W. Kluchin, Department of Corrections, for proposing, in association with his supervisor, Sal Gran, a suggestion that results in annual savings of two thousand seven hundred eighty-two dollars ($2,782) by recommending the installation of a heat exchanger to recover heat from flash steam otherwise lost to the atmosphere; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Jane E. Lovett, Franchise Tax Board, for a suggestion that results in annual savings of nine thousand nine hundred twenty-one dollars ($9,921) by recommending an amendment to the Bank and Corporation Tax Law which permits procedural improvements by allowing the suspension of a corporation for failure to file a return or adopt an accounting period within a designated time after the date of incorporation; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ira D. Billick, Department of General Services, for proposing, in association with his supervisor, George Midwinter, a suggestion that resulted in a one-time saving of two thousand three hundred eighty-five dollars ($2,385) by recommending the use of fluorescent light fixture rebuilding kits, instead of purchasing new fixtures when old fixtures needed replacing; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ralph E. Haverkamp, Division of Highways, for proposing, in association with his supervisor, George A. Hood, Jr., a suggestion that results in annual savings of three thousand five hundred dollars ($3,500) by recommending an improved method for computing the quantities for superstructure concrete on all T-beam and box girder bridges; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Robert A. Tankersley, California Highway Patrol, for a suggestion that results in annual savings of nine thousand ten dollars ($9,010) by recommending the execution of Department of Motor Vehicles Form Reg. 462 "under penalty of perjury" by the vehicle owner, in place of requiring that it be subscribed to in the presence of an officer; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Stanley H. Hayashi, Department of Motor Vehicles, for a suggestion that results in annual savings of six thousand three hundred twenty-eight dollars ($6,328) by recommending that Forms DL-294 and DL-597 be printed as two-part, no-carbon-required, forms to eliminate the need to transcribe the same information on other documents; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Roserene Cleveland, Department of Motor Vehicles, for a suggestion that results in annual savings of two thousand two hundred seventy-nine dollars ($2,279) by recommending that an adding machine tape be run from entries on Form 344's and posting be made by district, instead of by office; and

WHEREAS, An award of one hundred fifty dollars ($150), divided evenly, has already been made to Mildred N. Cannon and Edna M. Loris, California Highway Patrol, for suggestions that result in annual savings of six thousand two hundred forty dollars ($6,240) by recommending improved methods of reporting overtime and motorcycle time for pay purposes; and

WHEREAS, An award of one hundred fifty dollars ($150), divided evenly, has already been made to Marvin L. Jackson and Earl L. Nelson, Division of Highways, for a suggestion that results in annual savings of four thousand four hundred sixteen dollars ($4,416) by recommending the use of a form memorandum, instead of dictated memoranda in requests and replies on comments and recommendations concerning utility permits; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Elvin P. Miali, Department of Insurance, for a suggestion that results in annual savings of two thousand nine hundred five dollars ($2,905) by recommending the use of telephone answering and recording units to give routine instructions regarding the filing of complaints and to record the names and addresses of complainants for the mailing of proper complaint forms; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Howard C. Hyatt, Department of Indus-

trial Relations, for a suggestion that results in annual savings of four thousand two hundred dollars ($4,200) by recommending the use of a single form to replace Division of Labor Law Enforcement Forms 700, 701, 702, and 703 and by recommending the use of a standard form summary sheet to eliminate lengthy written memoranda relating to investigations concerning certain labor law violations; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Frederick J. Twogood, Jr., Board of Equalization, for a suggestion that results in annual savings of two thousand dollars ($2,000) by recommending that the Board of Equalization delegate, to the petition and refund unit, the function of granting or denying refund claims, within a specified maximum amount; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Alfred N. Waggoner, Department of Rehabilitation, for a suggestion that results in annual savings of four thousand four hundred seventeen dollars ($4,417) by recommending that the California Industries for the Blind use a mechanical device, which he helped to design and build, instead of standard household irons, for the heat transfer of decals to various textile items; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Richard H. Regelman, Department of Education, for a suggestion that results in annual savings of five thousand one hundred eighty dollars ($5,180) by recommending the delivery and storage of cans of milk on pallets, that has permitted a reduction in labor costs and milk spillage by several state hospitals and correctional facilities; and

WHEREAS, An award of one hundred fifty dollars ($150), divided evenly, has already been made to Thomas D. Hawkinson and Sam Zivkovich, Division of Highways, for a suggestion that results in added annual income of three hundred nine thousand five hundred fifty dollars ($309,550) by recommending that to increase interest earnings, federal subvention and reimbursement warrants being mailed to the State Treasurer from the San Francisco office of the U.S. Bureau of Public Roads, be picked up by messenger in San Francisco and an immediate bank deposit be made in San Francisco for credit to the State Treasurer's account and for ultimate credit to the State Highway Fund; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Carl Fraser, Department of General Services, for a suggestion that results in annual savings of four thousand three hundred dollars ($4,300) by recommending that the State Printing Plant reduce the time spent on preventative maintenance of the rotary tab card press No. 14-2, by cleaning and greasing the press once a week, instead of five times a week, supplementing the once-a-week cleaning and greasing with intensified oiling while the press is in operation and by use of preparations to deter drying of ink on the press during shift interims; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ben Carmona, Franchise Tax Board, for a suggestion that results in added annual income of one thousand seven hundred one dollars ($1,701) by recommending that all San Francisco Port Authority rental licenses that specified the payment of "percentage of sales" rental within 60 days after each calendar quarter, and all others that permitted more than a fifteen (15) day grace period, be amended to require payment on a monthly basis with a fifteen (15) day grace period; and

WHEREAS, An award of one hundred fifty dollars ($150), divided evenly, has already been made to Francis E. Carson and Paul Guinn, Division of Highways, for a suggestion that results in annual savings of three thousand two hundred eighty dollars ($3,280) by recommending use of a one-piece drill shaft, of their own design, that permits the instant reverse rotation of diamond bits used on mobile coring rigs, eliminating labor and equipment time previously required to set up the drill core to change rotation; and

WHEREAS, An award of one hundred fifty dollars ($150), divided evenly, has already been made to Fred Higgs, Jr., and William F. Marek, Department of General Services, for a suggestion that results in annual savings of eighty-one thousand five hundred dollars ($81,500) by recommending that the State Printing Plant use a device, of their own design and construction, which permits the automatic shearing and trimming of threads joining separate books, as they come from the textbook sewing machines, increasing the production speed from 800 to 1,100 books per hour and eliminating the need for a bindery worker to hand clip the threads with a pair of scissors; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Beatrice Lamb, deceased, formerly with the Department of Rehabilitation, for a suggestion that results in annual savings of two thousand seven hundred two dollars ($2,702) by recommending that charter air flights with a scheduled airline be used in transporting deaf students attending the National College for the Deaf in Washington, D.C., rather than paying individual coach fares; and

WHEREAS, The suggestions of these employees have resulted in one-time and recurring savings and recurring added income amounting to four hundred eighty-seven thousand six hundred seventy-six dollars ($487,676); and

WHEREAS, As a result of these savings and added income it is unnecessary to appropriate additional funds for the payment of these awards; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the following additional awards, which have been approved by the State Board of Control, are hereby authorized to the employees named:

Laurence E. Hankard, one thousand seven hundred fifty dollars ($1,750);

Sal Gran, sixty-five dollars ($65);
Jane E. Lovett, eight hundred forty dollars ($840);
George Midwinter, thirty-five dollars ($35);
Ralph E. Haverkamp, two hundred dollars ($200);
George A. Hood, Jr., one hundred five dollars ($105);
Robert A. Tankersley, seven hundred fifty dollars ($750);
Stanley H. Hayashi, four hundred eighty-two dollars ($482);
Roserene Cleveland, seventy-eight dollars ($78);
Mildred N. Cannon, two hundred thirty-seven dollars ($237);
Edna M. Loris, two hundred thirty-seven dollars ($237);
Marvin L Jackson, one hundred forty-five dollars ($145);
Earl L. Nelson, one hundred forty-five dollars ($145);
Elvin P. Miali, one hundred forty dollars ($140);
Howard C. Hyatt, two hundred seventy dollars ($270);
Frederick J. Twogood, Jr., fifty dollars ($50);
Alfred N. Waggoner, two hundred ninety-one dollars ($291);
Richard H. Regelman, one hundred nine dollars ($109);
Thomas D. Hawkinson, eleven thousand five hundred thirty-three dollars ($11,533);
Sam Zivkovich, eleven thousand five hundred thirty-three dollars ($11,533);
Carl Fraser, two hundred eighty dollars ($280);
Ben Carmona, twenty dollars ($20);
Francis E. Carson, eighty-nine dollars ($89);
Paul Guinn, eighty-nine dollars ($89);
Fred Higgs, Jr., three thousand nine hundred twenty-five dollars ($3,925);
William F. Marek, three thousand nine hundred twenty-five dollars ($3,925);
Beatrice Lamb, one hundred twenty dollars ($120);

and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Board of Control and the State Controller.

RESOLUTION CHAPTER 126

Assembly Concurrent Resolution No. 103—Relating to Women in Aviation Week.

[Filed with Secretary of State June 14, 1968]

WHEREAS, The State of California has led the nation in aviation for the last 50 years; and

WHEREAS, The women of California have made significant contributions in aviation production, in air transport, and in the space program; and

WHEREAS, The most notable pioneer flights have originated in California and this state has been the home of the greatest figures in aviation; and

WHEREAS, California has been chosen as the site of the 1968 Convention of the 99's, the International Society of Women Pilots and the site of the 1968 Powder Puff Derby takeoff; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim June 30 to July 6, 1968, as Women in Aviation Week, and to proclaim July 6, 1968, as Powder Puff Derby Day; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 127

Assembly Concurrent Resolution No. 124—
Relative to the death of J. M. Leonard.

[Filed with Secretary of State June 14, 1968.]

WHEREAS, J. M. (Jake) Leonard, a former Member of the Assembly of the State of California, passed away recently at the age of 83; and

WHEREAS, Mr. Leonard was a native of California, the son of a pioneer family, who devoted his entire adult life to public service; and

WHEREAS, For 20 years the secretary-manager of the San Benito County Chamber of Commerce, where he conceived the idea of an annual horse show and rodeo, Mr. Leonard was instrumental in the activation of the 33rd Agricultural District; and

WHEREAS, Mr. Leonard served in the Assembly from 1937 to 1945 where he was instrumental in getting parimutuel funds from horseracing to develop fairs throughout the state; and

WHEREAS, Mr. Leonard, aside from his devotion to public service, was active in many civic and social activities such as the San Benito County Hospital District of which he was president for nine years from 1958 to 1967, the Rotary Club, Free and Accepted Masons, Elks, and the Commonwealth Club; and

WHEREAS, Mr. Leonard and his recently deceased wife, Laura, leave behind them two fine daughters, Mrs. Barbara Gibbs of San Jose and Mrs. Laura Singers of Lodi and many grandchildren; and

WHEREAS, All who knew, loved, and respected J. M. (Jake) Leonard deeply regret his death; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their deep regret at the death of former Member of the Assembly, J. M. Leonard; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the daughters of J. M. (Jake) Leonard, Mrs. Barbara Gibbs of San Jose, and Mrs. Laura Singers of Lodi.

RESOLUTION CHAPTER 128

Senate Joint Resolution No. 4—Relative to establishment of insurance fund for protection of shorelines from offshore oil development.

[Filed with Secretary of State June 17, 1968.]

WHEREAS, The government of the United States, through the Secretary of the Interior, is letting oil leases outside of the three-mile limit offshore of the coastline of the State of California; and

WHEREAS, The California shoreline is of unique scenic beauty and is highly developed for residential, commercial, and tourism uses; and

WHEREAS, Any leakage, contamination, subsidence, or beach pollution emanating from such oil operations, whether caused by negligence of man or forces of nature, or any other cause, could cause great damage to the valuable California shoreline areas; and

WHEREAS, Recent events have demonstrated that there is a potential danger to shore properties resulting from shipwrecks occurring beyond the three-mile limit; and

WHEREAS, It is in the public interest that an insurance fund be established to protect the shoreline against such eventualities; and

WHEREAS, There exists a precedent for establishing such a fund in that the State of California has required that a reserve fund for subsidence contingencies, in an annual amount of two million dollars ($2,000,000), be provided for in contracts between the City of Long Beach and oil developers with respect to oil and gas extraction from tidelands granted in trust to the City of Long Beach; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to establish an insurance fund from moneys derived from the offshore oil leasing and oil production, and require that in instances when the person responsible for debris, contamination, pollution, or subsidence cannot be determined, such fund be available to remove and clean up any debris, contamination, or pollution, and mitigate the effects of subsidence, which may occur by reason of oil leasing, oil operations, or shipwreck and to compensate landowners, including public agencies, for any loss or damage occasioned thereby to private or public property; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior.

RESOLUTION CHAPTER 129

Senate Joint Resolution No. 15—Relative to transportation monopolies.

[Filed with Secretary of State June 17, 1968]

WHEREAS, There is an increasing danger of a monopoly situation in the metropolitan areas of California with respect to air-commuter transportation and connecting land transportation systems; and

WHEREAS, This unhealthy situation has been aggravated by the Civil Aeronautics Board through the granting of exclusive air-commuter franchises within California's metropolitan areas pursuant to its Economic Regulations, 14 C.F.R. 298.21 (b) and (d); and

WHEREAS, If this system of preferential franchises is ended by the Civil Aeronautics Board it will allow nonintegrated air-commuter companies to compete for the commuter market in the metropolitan areas of California and thus provide a healthy competitive atmosphere; and

WHEREAS, The California Legislature wishes to be put on record as opposing any such monopolistic practices as may now exist; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to direct the Civil Aeronautics Board and the Justice Department to investigate this situation and to take the steps necessary to prevent these monopolistic practices; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the members of the Civil Aeronautics Board, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 130

Senate Concurrent Resolution No. 27—Relative to the 1976 Summer Olympic Games.

[Filed with Secretary of State June 17, 1968.]

WHEREAS, The selection of the United States city to bid for the 1976 Summer Olympic Games will be made by the Board of Directors of the United States Olympic Committee in May of this year; and

WHEREAS, The cities of Los Angeles and San Francisco are among the five finalists selected by the committee in preliminary screening to bid for this honor; and

WHEREAS, The cities of Los Angeles and San Francisco will each be bidding for this honor of hosting the 1976 games; and

WHEREAS, The selection of either city to host the 1976 Summer Olympics would bring great honor and benefit to the entire state; and

WHEREAS, Though each city will be bidding independently, both cities have pledged to support the other if either is selected; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members hereby express their support for Los Angeles and San Francisco in their attempts to obtain the 1976 Summer Olympic Games for California; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the United States Olympic Committee.

RESOLUTION CHAPTER 131

Senate Concurrent Resolution No. 56—Relative to the establishment of an education-work experience summer school program.

[Filed with Secretary of State June 17, 1968.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Department of Education to develop and implement a specific proposal during the 1968–1969 fiscal year for a pilot program that will establish an experimental occupational education-work experience summer school program designed for youth, ages 15 to 17, living in areas of high concentration of urban poverty; and be it further

Resolved, That such a pilot program shall be for the purpose of determining and evaluating the effectiveness and feasibility of summer school occupational education coupled with paid work experience; and be it further

Resolved, That such a pilot program shall be developed with the active cooperation of local advisory committees, which shall represent labor, business, community groups, industry, and government, and which shall actively participate in the development, operation, and evaluation of the experimental programs; and be it further

Resolved, That a local advisory committee shall be appointed for each institution where a pilot program is established; and be it further

Resolved, That the department is requested, to the extent necessary and appropriate, to assist in the financing of part of the excess costs that may be involved in such experimental project; and be it further

Resolved, That the department is requested to implement the recommendations contained on page 238 of the Analysis of the Budget Bill by the Legislative Analyst, with reference to measures designed to strengthen local advisory committees in vocational education as recommended by the Arthur D. Little consultants; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the State Superintendent of Public Instruction and the State Director of Vocational Education.

RESOLUTION CHAPTER 132

Senate Concurrent Resolution No. 86—Relative to commending Dr. Franklin David Murphy.

[Filed with Secretary of State June 17, 1968.]

WHEREAS, Dr. Franklin David Murphy, Chancellor of the University of California, Los Angeles, has announced his resignation to become Chairman of the Board and Chief Executive Officer of the Times Mirror Company of Los Angeles in the near future; and

WHEREAS, Dr Murphy has given vigorous and wise administrative leadership for the past eight years to higher education in California by making UCLA a dynamic and well-balanced campus, and to American higher education in general by rendering voluntary service on many national boards; and

WHEREAS, He has achieved his goal, stated eight years ago, of making UCLA "one of the distinguished centers of learning in the Western world"; and

WHEREAS, He has made of the campus one of the significant cultural centers of California—attracting each year more people to musical concerts, dramatic productions, dance recitals, lectures and other intellectual and artistic events than any other university in the United States; and

WHEREAS, He has exercised foresight in planning and supporting the activities of scientists and scholars in productive teaching and research programs in all parts of the world; and

WHEREAS, He has served to unite the campus and the community as a leading member of the Los Angeles County Art Association, the California Museum of Science and Industry, and the Performing Arts Council of the Music Center of Los Angeles; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members commend Dr. Franklin D. Murphy for his conspicuous contributions to higher education and to the quality of community life in California, and wish him health, happiness, and great success in his new undertaking; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Dr. Franklin D. Murphy.

RESOLUTION CHAPTER 133

Assembly Concurrent Resolution No. 128—Approving certain amendments to the Charter of the City of Newport Beach, a municipal corporation in the County of Orange, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on April 9, 1968.

[Filed with Secretary of State June 18, 1968]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of charter amendments, hereinafter set forth, to the Charter of the City of Newport Beach, a municipal corporation, in the County of Orange, State of California, and set out in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF NEWPORT BEACH

State of California
County of Orange } ss.
City of Newport Beach

We, the undersigned, Doreen Marshall, Mayor of the City of Newport Beach, and Laura Lagios, City Clerk of said City, do hereby certify and declare as follows:

That the City of Newport Beach, a municipal corporation in the County of Orange, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 3,500 and less than 50,000 inhabitants.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City

Council of said city, being the legislative body thereof, on its own motion, submitted to the qualified electors of said city certain proposals for the amendment of the Charter of said city at a general municipal election duly and regularly called and held in said city on the 9th day of April, 1968, said charter amendments being herein designated as Newport Beach Charter Amendments Numbers One, Three and Four.

That on the 22nd day of February, 1968, said City Council caused said Newport Beach Charter Amendments to be duly and regularly published and advertised in each and every edition of said 22nd day of February, 1968, in The Newport Harbor Ensign, the official newspaper of said city, printed, published and circulated in said city.

That said general municipal election was duly and regularly held in said city on the date fixed by said Council, to wit, April 9, 1968, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed charter amendments, and the returns of said general municipal election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify each of said Newport Beach Charter Amendments, hereinafter specifically set forth.

That said amendments to the Charter of said city so ratified by the voters of said city are as follows, to wit:

Newport Beach Charter Amendment Number One

Section 401 of the Charter was amended to read as follows:

"Section 401. Eligibility. No person shall be eligible to hold office as a member of the City Council unless he is, and shall have been for at least ninety days immediately preceding his nomination or appointment, a qualified elector of the district from which he is nominated or appointed, and for at least three years immediately preceding his election or appointment, a registered qualified elector of the City."

Newport Beach Charter Amendment Number Three

Section 1004 of the Charter was amended to read as follows:

"Section 1004. Voters Signing Nomination Petitions. The voters signing any petition for the nomination of any person to the office of Councilman shall be residents and registered voters of the district from which such person is to be nominated."

Newport Beach Charter Amendment Number Four

Section 1005 of the Charter was amended to read as follows:

"Section 1005. Districts. The City is hereby divided into seven districts, the names and respective boundaries of which shall be as established by ordinance. No ordinance changing and redefining the boundaries of any district shall be enacted within six months prior to any regular Councilmanic election.

In 1959 and each fourth year thereafter the City Council shall appoint a committee to study and report to the City Council on the advisability of redistricting the City upon receipt of any such committee report, and at any other time deemed necessary or desirable in order that the district boundaries be fair and logical, the City Council may by ordinance change and redefine the boundaries of any or all of the seven districts herein established. The boundaries so defined shall be established in such manner that the district shall, as nearly as practicable, constitute natural areas of contiguous and compact territory and provide fair representation on the City Council. Notwithstanding the provisions of Section 401, no redistricting shall disqualify any Councilman from serving as Councilman from the district from which he was nominated or appointed for the remainder of his term, if elected, or until the next general municipal election, if appointed. Any territory hereafter annexed to or consolidated with the City shall, at the time of such annexation or consolidation, be added by ordinance of the City Council to an adjacent district or districts."

That we have compared the amendments as stated herein with the original proposals submitted to the electors of said city, and find and certify that each of said amendments is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Newport Beach to be affixed hereto this 17th day of May, 1968.

(SEAL)

DOREEN MARSHALL
Mayor of the City of
Newport Beach, California
LAURA LAGIOS
City Clerk of the City of
Newport Beach, California

and

WHEREAS, Said proposed charter amendments as ratified (being hereinabove set forth) have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendments to the Charter of the City of Newport Beach as proposed to, and adopted and ratified by, the qualified electors of said City of Newport Beach be and the same hereby are approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of the City of Newport Beach.

RESOLUTION CHAPTER 134

Senate Concurrent Resolution No. 14—Relative to a study on an addition to the state highway system.

[Filed with Secretary of State June 19, 1968]

WHEREAS, The Department of Public Works has completed the construction of that portion of Route 101 which bypasses the City of Ukiah; and

WHEREAS, Under normal procedures, the California Highway Commission would now proceed to relinquish the roadway which was formerly Route 101 passing through the City of Ukiah; and

WHEREAS, The California Highway Commission has relinquished a part of the portion of Route 222 between former Route 101 and the recently constructed Route 101 freeway and, under normal procedures, would now proceed to relinquish the remainder of this portion of Route 222; and

WHEREAS, These highways through the city carry a high volume of traffic and are of major importance to the City of Ukiah and the County of Mendocino and might well constitute a proper part of the state highway system; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works is requested to include in its studies pursuant to Section 256 of the Streets and Highways Code the desirability of retaining in the state highway system the portion of former Route 101 which passes through and is adjacent to the City of Ukiah, and the portion of Route 222 between former Route 101 and the Route 101 freeway, and to include recommendations thereon in the report to be submitted to the 1969 Regular Session; and be it further

Resolved, That the Department of Public Works and the California Highway Commission are requested to withhold the relinquishment of this portion of former Route 101 until 90 days after the end of the 1969 session of the Legislature in order to give the Legislature proper time to study and act upon the report; and be it further

Resolved, That the Department of Public Works and the California Highway Commission are requested to withhold any further relinquishment of this portion of Route 222 until 90 days after the end of the 1969 session of the Legislature; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Department of Public Works and to the Chairman of the California Highway Commission.

RESOLUTION CHAPTER 135

Senate Concurrent Resolution No. 32—Relative to needs of physically handicapped students attending California State Colleges and the University of California.

[Filed with Secretary of State June 19, 1968]

WHEREAS, There are an appreciable number of physically handicapped students in attendance at the California State Colleges and at the University of California; and

WHEREAS, Such students have a variety of needs and problems caused by their particular handicaps; and

WHEREAS, On many college campuses a special office is maintained for foreign exchange students in order to help them with their particular needs and problems; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Trustees of the California State Colleges and the Regents of the University of California are requested to undertake a study of the particular needs and problems of handicapped students attending the state colleges and the University of California and the feasibility of establishing special offices for handicapped students on each campus of the California State Colleges and the University of California, and to file a report thereon, including their recommendations. with the Legislature by the fifth legislative day of the 1969 Regular Session; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Trustees of the California State Colleges and to the Regents of the University of California.

RESOLUTION CHAPTER 136

Senate Concurrent Resolution No. 41—Relative to conservation education.

[Filed with Secretary of State June 19, 1968]

WHEREAS, The conservation of our basic natural resources and the natural environment is a critical issue in California as this state continues to grow at a remarkable rate; and

WHEREAS, Conservation means the wisest use and the most efficient management of all our resources for the benefit of the most people for the longest possible time; and

WHEREAS, The initiation and continuation of programs of wise use and efficient management of natural resources must, in the long run, depend upon an informed and educated citizenry; and

WHEREAS, The term "conservation education" refers to those techniques which, if used correctly in the school program, develop in pupils the proper knowledge, skills and attitudes

necessary to enable them to make wise decisions as citizens with regard to the management and protection of our resources and environment; and

WHEREAS, The State Board of Education, responding to the recommendations of the Senate Fact-Finding Committee on Natural Resources to the Legislature during the 1967 Regular Session on the need to upgrade conservation education in California's schools, has created a blue-ribbon committee known as the Citizens Advisory Committee on Conservation Education which is charged with making an extensive study and submitting a recommended program to the State Board of Education; and

WHEREAS, The advisory committee now is actively conducting this study with the cooperation of private conservation organizations, industrial groups and state and federal agencies; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California expresses its strong interest in the expeditious conduct of this study and anticipates the forthcoming report and recommendations of the State Board of Education leading to the development of an outstanding program of conservation and environmental education in the schools of the state; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the State Board of Education, the Advisory Committee on Conservation Education, the State Superintendent of Public Instruction, and the Administrator of the Resources Agency of California.

RESOLUTION CHAPTER 137

Senate Concurrent Resolution No. 82—
Relative to Father's Day.

[Filed with Secretary of State June 19, 1968]

WHEREAS, Father's Day, a traditional holiday in honor of all our fathers, will fall on Sunday, June 16; and

WHEREAS, The theme for this American holiday is "Juvenile Integrity Starts in the Home"; and

WHEREAS, The fathers of our land through their steadfast devotion to the principles of liberty and love of freedom are primarily responsible for building this great democracy, and it is through their teachings and guidance that this country will continue to stand for such worthy ideals; and

WHEREAS, We therefore look to the father in the home as the molder of tomorrow's citizens, the builder of a good family life, the foundation of our future, and the teacher of our young in the importance of fair play, ethical practices, and peace and brotherhood throughout the world; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members urge the Gov-

ernor to proclaim June 16, 1968, as Father's Day, and call upon all citizens of this state to commemorate the father in the home so that every day of the year may have the blessings that flow from good fatherhood, exemplary citizenship, and a strong and cohesive family life; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 138

Assembly Concurrent Resolution No. 101—Relative to proclaiming Muscular Dystrophy Month.

[Filed with Secretary of State June 20, 1968]

WHEREAS, Public support is vital in the relentless battle against the crippling disease of muscular dystrophy; and

WHEREAS, In California, hundreds of children suffer with incurable muscular dystrophy, a progressively crippling disease which causes a limited life expectancy for its victims; and

WHEREAS, Direct patient aid to victims of this dreaded disease is given without cost by Muscular Dystrophy Associations of America volunteer chapters throughout California and the nation to fight muscular dystrophy and other disorders in the neuromuscular unit such as myositis and amyotrophic lateral sclerosis; and

WHEREAS, Extensive research work is bringing hope to millions suffering from muscular dystrophy and other related neuromuscular diseases; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to issue a proclamation designating the month of November 1968 as Muscular Dystrophy Month in California, and to urge all the citizens of this state to support the important work of the Muscular Dystrophy Associations of America, Inc.; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 139

Senate Concurrent Resolution No. 80—Relative to the passing of Edwin S. Capps.

[Filed with Secretary of State June 26, 1968]

WHEREAS, The Members of the Legislature have learned with great regret of the untimely demise of Capitol newsman Edwin S. Capps; and

WHEREAS, Edwin S. Capps, a partner in the Capitol News Service for the past 11 years, was widely known throughout California for his outstanding Fish 'n Gamer newspaper column and his expertise in fish and game legislation and administration; and

WHEREAS, A native of Michigan and graduate of the University of Missouri's School of Journalism, Edwin S. Capps came to California after World War II Army service in Africa to publish a weekly newspaper at South Lake Tahoe before joining the State Capitol staff of United Press International; and

WHEREAS, He is survived by his wife Betty; two sons, Kenneth and Steven; a daughter, Katherine; a sister in Los Angeles and his parents in Michigan; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members extend their sympathy to the family of Edwin S. Capps during this the hour of their grief; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the wife and children of Edwin S. Capps, to his sister and to his parents.

RESOLUTION CHAPTER 140

Senate Concurrent Resolution No. 92—Approving amendments to the Charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a consolidated primary and special election held therein on the fourth day of June, 1968.

[Filed with Secretary of State June 26, 1968.]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the 26th day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county eleven (11) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said eleven (11) pro-

posed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Examiner," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10-point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "San Francisco Examiner," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a consolidated primary and special election to be held in the City and County of San Francisco on the fourth day of June, 1968, the said eleven (11) several proposals to amend the Charter of the City and County of San Francisco; and

WHEREAS, Said consolidated primary and special election was held in said City and County of San Francisco on the fourth day of June, 1968, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Examiner," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the 20th day of June, 1968, duly certify to the board of supervisors the results of said consolidated primary and special election as determined from the canvass of the returns thereof; and

WHEREAS, At said consolidated primary and special election so held on the fourth day of June, 1968, nine (9) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions E, H, I, J, K, L, M, N, O, and two (2) other charter amendments submitted at said consolidated primary and special election, to wit, charter amendments designated as Propositions F and G received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of altera-

tion or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

Proposition E

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of the said city and county by amending Section 24 thereof relating to permits and inspections.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 4, 1968, a proposal to amend the Charter of said city and county by amending Section 24 thereof to read as follows:

Permits and Inspections

Section 24. The board of supervisors shall regulate, by ordinance, the issuance and revocation of licenses and permits for the use of, obstruction of or encroachment on public streets and places, exclusive of the granting of franchises governed by other provisions of this charter; and for the operation of businesses or privileges which affect the health, fire-prevention, fire-fighting, crime, policing, welfare or zoning conditions of or in the city and county, and for such other matters as the board of supervisors may deem advisable.

Such ordinance shall fix the fees or licenses to be charged, which shall not be less than the cost to the city and county of regulation and inspection; provided, that in so far as the regulation and inspection of foodstuffs or articles of food for human consumption are concerned, the fees or licenses to be charged for such regulation and inspection shall be as determined by the board of supervisors, but the same shall not exceed the cost of said regulation and inspection. Said ordinance shall also specify which department shall make the necessary investigations and inspections and issue or deny and may revoke the permits and licenses therefor. The chief of police in the performance of police duties shall have power to examine at any time the books and the premises of pawnbrokers, peddlers, junk and second-hand dealers, auctioneers and other businesses designated by the board of supervisors, and the tax collector shall have power to examine the books of any business for which a license is issued and a fee charged on the basis of the receipt of such business, and for these purposes such officials shall have the power of inquiry, investigation and subpoena, as provided by this charter.

Permits and licenses shall be issued by the departments as designated by ordinance, only after formal application for such permit or license. No such permit or license that is dependent on or affected by the zoning, set-back or other ordinances of the city and county administered by the city plan-

ning commission shall be issued except on the prior approval of the city planning commission. If any application for a permit or license is denied by the department authorized to issue same, the applicant may appeal to the board of permit appeals.

No license tax shall be imposed after June 30, 1973 on any seller or manufacturer of goods, wares or merchandise operating at a fixed place of business in the city and county, except such as require permits or licenses in accordance with or under authority of any local health, sanitary or other ordinance under the police power.

Proposition H

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Section 13 thereof relating to the official newspaper.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 4, 1968, a proposal to amend the Charter of said city and county by amending Section 13 thereof to read as follows:

Action by Resolution or Ordinance

Section 13. Action by the board of supervisors shall be by ordinance or resolution in writing introduced by a member or by a committee of said board and passed or adopted by a majority of all the members of the board at each reading. Every legislative act shall be by ordinance. The enacting clause of all ordinances shall be, "Be it ordained by the people of the City and County of San Francisco." Every ordinance and resolution, except ordinances making appropriations, shall be confined to one subject which shall be clearly expressed in the title, and ordinances making annual or supplemental appropriations shall be confined to the subject of appropriations.

If any subject is embraced in an ordinance and is not expressed in the title thereof, the ordinance shall be void only as to so much thereof as is not expressed in the title. Any ordinance may be amended by an ordinance amending or repealing the particular sections thereof or adding sections thereto.

An ordinance shall be passed by the board of supervisors only after reference to and report thereon from committee, unless it be an ordinance prepared and reported out by committee, and after two readings and votes at separate meetings of the board, which meetings shall be at least five days apart; provided, however, that as to an emergency measure as defined in section 16, reference to committee or the readings and votes at separate meetings may be waived by a three-fourths vote of all members of the board. The existing or impending emergency as defined in such ordinance shall be declared by

specific section in such emergency ordinance. The annual appropriation ordinance shall be passed only after two readings, not less than five days apart, and the second or final passage shall be not less than fifteen days after the introduction of each ordinance.

No ordinance granting a franchise shall be finally passed within ninety days of its introduction.

No resolution shall be adopted by the board of supervisors on the date of its introduction and without reference to committee, except by the unanimous consent of the supervisors present.

Except as otherwise provided in this charter, or by ordinance, notice of the title or the purport and subject matter of each proposed ordinance which is introduced and referred to committee shall be published within three days after its presentation to the board and a copy of such proposed ordinance shall be kept available for inspection in the office of the clerk of the board. All ordinances shall be published upon passage for second reading. Emergency ordinances shall be published immediately on passage. The term "published" as used in this charter shall mean publication in the official newspaper as required by charter. The official newspaper is hereby defined to be a daily newspaper of general circulation, published in the city and county and which has a bona fide daily circulation of at least 8,000 copies. Whenever the official newspaper is not able to publish or circulate for any reason, the board of supervisors shall designate by resolution a substitute newspaper or newspapers, until such time as the official newspaper resumes publication or circulation.

The vote on all ordinances and resolutions upon each reading shall be by ayes and noes. The vote by ayes and noes on all measures shall be recorded in the journal of the proceedings of the board.

Proposition I

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding Section 164.1 thereto relating to and increasing retirement and death allowances which are not subject to change when the salary rate of any member is changed, payable to or on account of any member of the retirement system who retired or died prior to July 1, 1967, except such allowances payable to or on account of persons who retired or died prior to July 1, 1947 as members under Section 165; and providing for cost of living increases or decreases in retirement and death allowances which are first effective prior to July 2, 1977, which are not subject to change when the salary rate of any member is changed, and which shall have been in effect at least one year on the effective date of such increase or decrease.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City

and County of San Francisco at an election to be held therein on June 4, 1968, a proposal to amend the Charter of said City and County by adding thereto Section 164.1 to read as follows:

Section 164.1 (A) Each retirement of death allowance which is not subject to change when the salary rate of any member is changed and which is payable to or on account of any member who has retired or died prior to July 1, 1967, except such allowances payable to or on account of persons who retired or died prior to July 1, 1947 as members under Section 165, but including death allowances payable under Section 168.3 which are not subject to change when the salary rate of any member is changed, shall be increased for time on and after the effective date of this section, hereby designated as the first day of the month next following its ratification by the State legislature, by the percentage set forth in the following table opposite the fiscal year in which said allowance became effective, said percentage to be applied to the allowance payable to the individual who was receiving the allowance on the effective date of this section (a) exclusive of the annuity provided by additional contributions and (b) prior to reduction pursuant to subsection (A) of Section 165.6:

Fiscal Year in which Allowance Became Effective	Percentage
All years prior to July 1, 1959	16%
July 1, 1959 to June 30, 1960	14%
July 1, 1960 to June 30, 1961	12%
July 1, 1961 to June 30, 1962	10%
July 1, 1962 to June 30, 1963	8%
July 1, 1963 to June 30, 1964	6%
July 1, 1964 to June 30, 1965	4%
July 1, 1965 to June 30, 1966	2%
July 1, 1966 to June 30, 1967	1%

(1) Funds necessary for the payment of such increases in allowances payable to or on account of members who retired or died as members under Charter Sections 165 or 165.2 shall be provided from the City's accumulated contributions held by the system on account of miscellaneous members under Section 165.2.

(2) Funds necessary for the payment of such increases in allowances to or on account of members who retired or died as members under Charter Sections 168 or 168.1 shall be provided from the City's accumulated contributions held by the system on account of police members under Section 168.1.

(3) Funds necessary for the payment of such increases in allowances to or on account of members who retired or died as members under Charter Sections 171 or 171.1 shall be provided from the City's accumulated contributions held by the system on account of fire members under Section 171.1.

The necessary funds shall be transferred on the effective date of this section from said accumulated contributions to the accumulated contributions held by the system to meet the obligations of the City and County on account of benefits that have been granted and which are based on service rendered as members. The contribution being required of the City and County currently, as percentages of salaries of persons who are members under Sections 165.2, 168.1 and 171.1 shall be increased to percentages determined by the actuary as necessary to replace the accumulated contributions so transferred.

(B) (1) The retirement board shall determine, prior to April 1 of each year, the percentage of increase or decrease in the cost of living during the preceding calendar year or years, as shown by the then current Consumer Price Index, All Items, San Francisco (1957–59 = 100), issued by the U. S. Bureau of Labor Statistics and published in the Monthly Labor Review or a successor publication. The cost of living adjustments as hereinafter provided shall be based on the percentage of such increase or decrease.

(2) Notwithstanding any other Charter or ordinance provision governing the retirement system, every retirement or death allowance payable to or on account of any member who retires or dies as a member of the system or who has retired or died as such a member, except allowances subject to change when the salary rate of any member is changed, shall be increased or decreased as of July 1, 1969, and on July 1 of each succeeding year, subject to the provisions of this subsection (B), by a percentage of the allowance established on the effective date of this section after any increase under subsection (A) of this section or on the effective date of such allowance, whichever is later, as payable to the individual who is receiving the allowance on the date of any such adjustment (a) exclusive of the annuity provided by additional contributions, and (b) prior to reduction pursuant to subsection (A) of Section 165.6, prior to modification pursuant to subsection (G) of Section 165.6; provided, however, that the increases and decreases in allowances provided herein shall apply only to retirement or death allowances which are first effective prior to July 2, 1977, and shall not apply to retirement or death allowances which are first effective on or after July 2, 1977. On July 1, 1969 the percentage of increase in each such allowance shall be the percentage which is determined by the retirement board to approximate to the nearest one per cent, the percentage of increase in the cost of living during the preceding calendar year. On July 1, 1970 and on July 1 of each succeeding year, the percentage of increase or decrease in each such allowance shall be the percentage which is determined by the retirement board to approximate to the nearest one per cent of increase or decrease in the cost of living in the calendar year or years since January 1, 1969 or since January 1 of the year in which the last such cost of living adjust-

ment in allowances was made, whichever is later. Any such allowance shall be so adjusted only if it was in effect for at lease one year prior to the date of such adjustment. Such adjustment in any year shall not exceed two per cent of such allowance; provided however that no allowance shall be reduced below the amount being received by the member or his beneficiary on the effective date of this section or on the effective date he began to receive the allowance, whichever is later.

(3) Any such increases in allowances shall be paid from funds which shall be allocated for that purpose by the retirement board from such earnings on investments not otherwise allocated and after crediting of regular interest to accumulated contributions as are in excess of two per cent of the assets of the retirement system at the close of each fiscal year.

(4) Any such increases in allowances which are not funded by such allocation of such earnings, shall be funded by contributions of members under Sections 165, 165.2, 168.1 and 171.1 and by contributions of the City, which shall be at rates which are in addition to the rates of contribution otherwise provided by Charter or ordinance, provided that a member's rate of contribution shall not exceed one-half of one per cent of his monthly compensation. The contributions made under this section by any member shall be credited together with regular interest thereon to his individual account and shall be subject to the same Charter and ordinance provisions relating to accumulated contributions of the member, including withdrawal and death benefits other than death allowances; provided, however, that upon his retirement or death, such accumulated contributions and interest shall not be applied to provide a part of the retirement benefits payable to him or the death allowance benefits payable on account of his death otherwise provided by Charter or ordinance, but instead shall be held, together with the accumulated contributions made by the City pursuant to this subsection (B), with interest thereon, to provide the benefits under this subsection (B). Whenever such accumulated contributions of a member with interest have been paid to him on account of his termination of service or to his beneficiary or estate as a part of his death benefits, as provided by Charter or ordinance, an amount equal to the amount of contributions and interest so paid shall be applied to reduce the contributions by the City then currently payable under this section. If a member, upon his reentry into membership after the withdrawal of his accumulated contributions, shall redeposit the accumulated contributions withdrawn with interest, as otherwise provided by the Charter or ordinance, he shall redeposit the accumulated contributions made under this section with interest in the same manner and under the same conditions as the redeposit of his other accumulated contributions, and an amount equal to the amount of such redeposit of accumulated

contributions made under this section with interest, shall become payable forthwith by the City to be included in the City's contributions under this section.

(5) The rates of contribution of members and the City, as provided herein, shall be fixed by the retirement board from time to time as it determines necessary.

Proposition J

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Sections 69.1, 116.1 and 118 thereof relating to referrals to and reports by the City Planning Commission on proposed projects.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 4, 1968, a proposal to amend the Charter of said city and county by amending Sections 69.1, 116.1 and 118 thereof to read as follows:

Capital Improvement Program

Section 69.1. Each officer, board and commission shall annually, on or before the first day of October, file with the department of city planning a schedule describing all capital improvement projects which are proposed for inclusion in the budget for the ensuing fiscal year, together with a schedule of all capital improvement projects which in the opinion of such officer, board or commission should be undertaken in the five succeeding years.

The department of city planning shall prepare and submit to the mayor, the board of supervisors, the controller, and each officer, board, or commission concerned, on or before the 20th day of January, a report recommending a program of capital improvements based on the projects submitted.

The report shall state whether each of the proposed capital improvement projects conforms to the master plan, and if conflict exists, the report shall give the particulars of the differences between the proposed capital improvement projects and the master plan; provided, however, that if any such capital improvement project does so conflict, it shall be the duty of the department of city planning, prior to the submission of its related report, to confer with the officer, board, or commission concerned for the purpose of modifying either the project plan or the master plan in an endeavor to eliminate conflict as far as may be possible.

The report shall also include the recommendations of the department of city planning for additional capital improvement projects and for the advance planning and acquisition of land necessary for the development of all capital improvement projects.

Requests for supplemental appropriations for capital improvement projects, which projects have not been previously submitted to the department of city planning, shall be subject to all of the provisions herein contained except time, and the department of city planning shall report on each such proposal within thirty days from the date that each such proposal is filed with it.

The board of supervisors shall not appropriate any money for any capital improvement project which has not been referred to and reported on by the department of city planning in accordance with the provisions of this section.

The department of city planning shall report to the board of supervisors within the time limits herein established.

Mandatory Referrals

Section 116.1. No ordinance or resolution which deals with the acquisition, extension, widening, narrowing, removal, relocation, vacation, abandonment, sale or change in the use of any public way, transportation route, ground, open space, building, or structure, the subject matter of which has not been previously reported on by the department of city planning in accordance with the provisions of Sections 69, 69.1, 72 or 116.1 of this charter, shall be adopted by the board of supervisors unless and until such ordinance or resolution shall have first been referred to the department of city planning and a report rendered thereon regarding conformity of the matter involved to the master plan. If conflict exists, the report shall give the particulars of the differences between the proposal and the master plan.

It shall be the duty of the department of city planning to render its report in writing upon any ordinance or resolution to the board of supervisors and to the controller within thirty days after the date of such referral unless a longer period is granted by the board of supervisors. The department of city planning shall report to the board of supervisors within the time limits herein established.

Subdivisions and Projects

Section 118. All plats of new subdivisions of land, or replats of subdivisions laid out in building lots after December 26, 1946, and located within the city and county limits, shall be submitted in tentative form to the department of city planning and the city planning commission shall report its recommendations thereon in writing to the agency responsible therefor, as provided by ordinance. Should major changes occur after acceptance of the tentative map, the final plat shall be submitted for further report thereon to the department of city planning.

All project plans for public and private housing and publicly-assisted private housing, and for the clearance, reha-

bilitation and redevelopment of blighted areas, located within the city and county limits, shall be submitted to the department of city planning and the city planning commission shall report its recommendations thereon in writing to the agency responsible therefor. Should major changes thereafter be proposed, those changes shall be submitted to the department of city planning for further report thereon.

Proposition K

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by adding Section 156.2 thereto, relating to promotional examinations for disability transfers.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 4, 1968, a proposal to amend the Charter of said city and county by adding Section 156.2 thereto to read as follows:

Section 156.2. Notwithstanding any of the provisions of Section 156 or any other provisions of this Charter, whenever any employee is transferred under the provisions of Section 156 of this Charter and has held such position for ten (10) years, he shall be eligible to participate in any promotional examination in which his classification is designated as the next lower rank from which promotion will be made; provided that the disability of said employee is not of such nature as to interfere with the performance of the duties required in the promotive classification. The civil service commission shall make such determination after examination of the employee by a civil service examining physician.

The salary of an employee who is promoted as the result of participation in a promotional examination under the provisions of this section shall be fixed in accordance with the salary standardization provisions of this charter.

Proposition L

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 145 thereof, relative to age of applicants and appointees to entrance positions in the uniformed force of the Fire Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County of San Francisco at an election to be held therein on June 4, 1968, a proposal to amend the charter of said city and county by amending Section 145 thereof, so that the same shall read as follows:

Qualifications and Tests

Section 145. All applicants for places in the classified service shall submit to tests which shall be competitive, provided, however, that no test in either entrance or promotional examinations shall be deemed to be competitive unless two or more persons shall participate, except that any such examination may be held for one qualified applicant on recommendation of the civil service commission and approval by resolution of the board of supervisors, after a finding by the board that reasonable publicity of the proposed examination has been given by the civil service commission. Such tests shall be without charge to the applicants. The commission shall control all examinations and may employ suitable persons in or out of the public service to act as examiners. The tests may be written, oral, mechanical or physical, or any combination of them, practical in character and related to matters fairly to test the relative capacity of the applicants for the positions to be filled. The commission shall be the sole judge of the adequacy of the tests to rate the capacity of the applicants to perform service for the city and county. The commission may, for each examination, establish a passing mark or may determine the total number of persons who shall constitute the list of eligibles. The commission shall prepare from the returns of the examiners the list of eligibles, arranged in order of relative excellence. No question submitted to applicants shall refer to political or religious opinions or fraternal affiliations.

Applicants for entrance positions in the uniformed force of the fire department shall not be less than nineteen years of age at the time of taking the examination, nor less than twenty years of age or more than thirty-two years of age at the time of appointment and shall have the physical qualifications required for enlistment in the United States Army, Navy and Marine Corps.

Applicants for entrance positions in the uniformed force of the police department shall not be less than twenty years of age at the time of taking the examination, nor less than twenty-one years of age or more than thirty-five years of age at the time of appointment and shall have the physical qualifications required for enlistment in the United States Army, Navy and Marine Corps.

Applicants for positions in the mechanical trades and occupations may, in the discretion of the commission, be rated solely on experience and physical qualifications which may be demonstrated by such evidence and in such manner as the commission may direct, and such applicants may be submitted to such further tests as the commission may require. Examinations of laborers shall relate only to physical qualifications and experience, and laborers establishing their fitness shall rank upon the register in order of priority application.

The commission may remove all names from the list of eligibles after they have remained thereon for more than two years

and all names thereon shall be removed at the expiration of four years. The commission may, however, provide in the scope-circular of any examination that the list of eligibles secured thereby shall automatically expire at a date not less than two or more than four years after the adoption of such list.

Veterans with thirty days or more actual service, and widows of such veterans, who become eligible for appointment by attaining the passing mark in any entrance examination, shall be allowed an additional credit of five per cent in making up the list of eligibles secured by such examination. The term "veteran" as used in this section shall be taken to mean any person who has been mustered into, or served in, the Army, or enlisted in, or served in, the Navy or Marine Corps, of the United States, in time of war and received an honorable discharge or certificate of honorable active service. In the case of promotive examinations, when the passing mark has been attained, a credit of three per cent shall be allowed to veterans or to widows of such veterans, when requested by such veterans or widows When an eligible has secured a permanent appointment from a list of eligibles derived from an entrance examination in which he has been allowed additional credits of five per cent as herein provided, and has served the full probationary period therein as provided in this charter, such other additional credits of five per cent that have been allowed him on lists of eligibles derived from other entrance examinations shall be automatically cancelled, and his rank on such other list or lists revised to accord with his relative standing before such additional credits were added and he shall not be allowed such additional credits in any other entrance examinations. If he has received a permanent appointment from a list of eligibles derived from a promotive examination in which he has requested and been allowed the additional credits of three per cent as herein provided, and has served the full probationary period therein as provided in this charter, such additional credits of three per cent that have been allowed him on lists of eligibles derived from other promotive examinations shall be automatically cancelled, and his rank on such other list or lists revised to accord with his relative standing before such additional credits were added, and he shall not be allowed such additional credits in any other promotive examinations. The civil service commission may, for services or employment specified by the commission, allow general or individual preference, but not less than ten per cent, for entrance appointment of veterans who have suffered permanent disability in line of duty, provided that such disability would not prevent the proper performance of the duties required under such service, or employment, and provided that such disability is of record in the United States Veterans' Bureau.

Proposition M

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Section 175 thereof relating to nominations of elective officers.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 4, 1968, a proposal to amend the Charter of said city and county by amending Section 175 thereof to read as follows:

Nomination of Elective Officers

Section 175. The name of a candidate for an elective office shall be printed upon the ballot when a declaration of candidacy, a nomination paper signed by not less than forty nominators and certificates of not less than twenty nor more than thirty sponsors shall have been filed on his behalf, and when the nomination shall have been made in the following manner: The candidate, not more than sixty days before the municipal election in November, shall file with the registrar a declaration of his candidacy, in the form prescribed by the registrar for all candidates, including statements of his qualifications in not to exceed one hundred words, subscribed by him before the registrar. The registrar shall forthwith certify to the said subscription and its date and retain and file the declaration. The candidate shall pay to the registrar at the time of filing his declaration of candidacy a sum equal to two percent (2%) of the current annual salary for the office for which he is a candidate. After said declaration shall have been signed, certified and filed, and not later than forty-five days before said election in November a nomination paper, in the form prescribed by the registrar for all candidates, signed by not less than forty nominators for the said candidate, who are electors of the city and county qualified to vote at the said municipal election, shall be filed with the registrar and not less than twenty nor more than thirty sponsors for the said candidate, who are electors of the city and county qualified to vote at the said municipal election shall appear before the registrar and shall certify under oath to the qualifications of the said candidate on a form of certificate prescribed by the registrar for all sponsors of all candidates. The candidate shall have the right to reject any unsolicited sponsor.

In the event the registrar shall refuse to file such declaration of candidacy, nomination paper therefor or certificate of a sponsor thereof, he shall forthwith designate in writing on the declaration, nomination paper or certificate the defect thereof, or other reason for refusing to file the same, and shall return the same to the party tendering it. No defect in any declaration, nomination paper or certificate presented to the registrar shall prevent the filing of another declaration, nom-

ination paper or certificate within the period allowed for presenting the declaration, nomination paper or certificate. The name of every candidate who has been duly and regularly nominated shall be placed on the ballot under the title of the office for which he is a candidate, provided that a candidate whose nomination has been completed, may, not less than forty days before a municipal election, withdraw as a candidate by filing with the registrar his withdrawal, naming the office; such withdrawal must be signed and sworn to by the person withdrawing.

The name of every candidate who has been nominated for office as hereinbefore provided shall be placed on the ballot in alphabetical order in accordance with the initial letter of his surname, under the heading of the office for which said candidate has been nominated in the following manner: The name of the candidate highest on the alphabetical list of candidates for any particular office shall be printed first on the ballot under the proper heading for said office in the lowest numbered assembly district in the city and county. Thereafter, in each succeeding assembly district, the name of the candidate appearing first for said office in the last preceding district shall be placed last and the order of the names of the other candidates for said office shall remain unchanged.

In the event that the number of candidates in any group shall exceed the number of assembly districts in the city and county then the total number of candidates in such group shall be divided by the number of assembly districts and the quotient of said division, if an integral number, or, if it be a fractional number, then the next highest integral number, shall be the number of candidates to be taken from the beginning of the list of said candidates and placed at the end of said list of candidates in each succeeding assembly district.

Immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the city, county, district or state office which the candidate then holds.

(b) If the candidate be a candidate for the same office which he then holds, and only in that event, the word "incumbent."

(c) The word designating the profession, vocation or occupation of the candidate. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate.

In all cases words so used shall be printed in eight-point roman boldface capitals and lower-case type.

No incumbent shall have any further preference in the location of his name on said ballot unless the same is permitted by this section.

The registrar shall preserve in his office for a period of four years all candidates' declarations, nomination papers and all sponsors' certificates filed in accordance with this section.

Proposition N

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Section 176 thereof, relating to election material to be mailed to voters.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 4, 1968, a proposal to amend the charter of said city and county by amending Section 176 thereof, so that the same shall read as follows:

Material to be Mailed to Voters

Section 176. The registrar shall, before each municipal election, cause to be printed in pamphlet form and mailed to each registered voter with the sample ballot, a copy of all statements of qualifications of candidates received by him, to be followed by the names and addresses and occupations of all sponsors of all officers to be voted for in said city and county.

The registrar shall cause ballots to be printed identical with the ballot to be used in each assembly district at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail to each voter entitled to vote at such election a copy of the ballot to be used in his district, so that all said sample ballots shall have been mailed at least eight days before said election. The rotation of names of candidates on ballots shall be as provided by general law.

Proposition O

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Sections 168.1.1, 168.1.2, 168.1.3, 168.1.4, 168.1.5, 168.1.10 and 168.1.12 thereof and by adding Section 168.1.18 thereto, relating to retirement benefits applicable to members of the Police Department; and by amending Sections 171.1.1, 171.1.2, 171.1.3, 171.1.4, 171.1.5, 171.1.10 and 171.1.12 thereof and by adding Section 171.1.15 thereto, relating to retirement benefits applicable to members of the Fire Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 4, 1968, a proposal to amend the charter of said city and county by amending Sections 168.1.1, 168.1.2, 168.1.3, 168.1.4, 168.1.5, 168.1.10 and 168.1.12 thereof, and by adding Section 168.1.18

thereto; and by amending Sections 171.1.1, 171.1.2, 171.1.3, 171.1.4, 171.1.5, 171.1.10, 171.1.12 thereof, and by adding Section 171.1.15 thereto, so that the same shall read as follows:

Section 168 1.1. The following words and phrases as used in this section, unless a different meaning is plainly required by the context shall have the following meaning:

"Retirement allowance," "death allowance," or "allowance" shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workmen's Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the city and county, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the police department, but excluding remuneration paid for overtime.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him during such period, it being assumed that during any absence he was in the rank or position held by him at the beginning of the absence, and that prior to becoming a member of the police department, he was in the rank or position first held by him in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the monthly compensation earnable by a member at the time of his retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, "final compensation," as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position.

For the purpose of the retirement system and of this section, the terms "member of the police department," "member of the department" or "member" shall mean any officer or employee of the police department whose employment therein began prior to January 1, 1900, or whose employment therein began or shall begin after that date, and was or shall be subject to the charter provisions governing entrance requirements

for members of the uniformed force of said department, and said terms further shall mean, from the effective date of their employment in said department, persons employed on the effective date hereof, regardless of age, or employed after said date at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform the duties now performed under the titles of criminologist, photographer, police patrol driver, police motor boat operator, woman protective officer, police woman or jail matron. Any police service performed by such member of the police department outside the limits of the city and county and under orders of a superior officer of any such member, shall be considered as city and county service, and any disability or death incurred therein shall be covered under the provisions of the retirement system.

"Retirement system" or "system" shall mean San Francisco City and County Employees Retirement System as created in section 158 of the charter.

"Retirement board" shall mean "retirement board" as created in section 159 of the charter.

"Charter" shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

Section 168.1.2. Any member of the police department who completes at least twenty-five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under section 168.1.9, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-five years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to fifty-five per cent of the final compensation of said member, as defined in section 168.1.1, plus an allowance at the rate of three per cent of said final compensation, for each year of service rendered after qualifying as to age and service for retirement; provided, however, that such retirement allowance shall not exceed seventy per cent of said member's final compensation. A member retired after attaining the age of sixty-five years, but before completing twenty-five years of service in the aggregate computed under section 168.1.9, shall receive a retirement allowance which bears the same ratio to fifty per cent of the final compensation of said member, as defined in section 168.1.1 as the service with which he is entitled to be credited, bears to twenty-five years. If, at the date of retirement for service, or retirement for disability resulting from an injury received in performance of duty, said member has no wife, children or dependent parents, who would qualify for the continuance of

the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or section 168.1.3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system, including the character and amount of such other benefits.

Section 168.1.3. Any member of the police department who becomes incapacitated for the performance of his duty by reason of bodily injury received in, or illness caused by performance of his duty, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in section 168.1.1, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workmen's Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five (5) affirmative votes, adjust the percentage of disability as determined by said Appeals Board; and provided, further, that such retirement allowance shall be in an amount not less than fifty per cent nor more than ninety per cent of the final compensation of said member, as defined in section 168.1.1. Said allowance shall be paid to him until the date upon which said member would have qualified for service retirement had he lived and rendered service without interruption in the rank held by him at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation as defined in Section 168 1.1 he would have received immediately prior to said date had he lived and rendered service as assumed, but such allowance shall not be less than fifty-five per cent of such final compensation. If at the time of retirement because of disability, he is qualified as to age and service for retirement under section 168.1.2, he shall receive an allowance equal to the retirement allowance which he would receive if retired under section 168.1.2 but not less than fifty-five per cent of said final compensation. Any member of the police department who becomes incapacitated for the performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at

least ten years of service in the aggregate, computed as provided in section 168.1.9, shall be retired upon an allowance of one and one-half per cent of the final compensation of said member, as defined in section 168.1.1, for each year of service, provided that said allowance shall not be less than thirty-three and one-third per cent of said final compensation. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the police commission, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

Section 168.1.4. If a member of the police department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance, in lieu of any allowance payable under any other section of the charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his surviving wife, throughout her life or until her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on the day of death, but such allowance shall not be less than fifty-five percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he lived and rendered service without interruption in the rank held by him at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than fifty-five per cent of such final compensation. If he had retired prior to death for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he was a member under section 168.1 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance

which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving widow otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness which results in death.

Section 168.1.5. Upon the death of a member resulting from any cause, other than injury received in or illness caused by performance of duty, (a) if his death occurred after qualification for service retirement under sections 166, 168 or 168.1.2, or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by the performance of duty, three-fourths of his retirement allowance to which he would have been entitled if he had retired for service at the time of his death or three-fourths of his retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until remarriage, to his surviving wife or (b) if his death occurred after retirement because of disability which resulted from injury received in, or illness caused by the performance of duty, his retirement allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a sur-

viving wife unless she was married to the member prior to the date of the injury or the onset of the illness which results in death, if he had not retired, or unless she was married to the member at least one year prior to his retirement.

As used in this section and section 168.1.4, "surviving wife" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in section 168.1.7 in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the child or children under age of eighteen may make such election, and if there be no such children, the dependent parent or parents may make such election. Persons heretofore or hereafter retired under other charter sections, as members of the police department at the time of retirement, shall be subject to the provisions of this section. With respect to members under section 168.1, "Qualified for service retirement," "Qualification for service retirement" or "Qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under section 168.1 are subject, shall mean completion of twenty-five years of service and attainment of age fifty, said service to be computed under section 168.1.9.

Section 168.1.10. All payments provided for persons who are members under section 168.1 shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The normal rate of contribution of each member shall be based on his age taken to the next lower complete quarter year, (a) at the date he became a member under sections 165 or 168, in the case of persons who are members under these sections, or (b) at July 1, 1945, in the case of persons who are members under section 166, and his age taken to the next lower completed quarter year, when he entered the police department, or (c) on his age at the date he becomes a member under section 168.1, in the case of persons who become members on or after July 1, 1945, without credit for services counted under section 168.1.9. The age of entrance into the police department shall be determined by deducting the member's service credited under section 168.1.9 as rendered prior to the date upon which his age is based for determination of the rate of contribution according to the sentence next preceding, from said age. The normal rate of contribution of each such member, to be effective from the effective date of membership under section 168.1, shall be such as, on the aver-

age for such member, will provide, assuming service without interruption, under section 168.1.2, one-third of that portion of the service retirement allowance to which he would be entitled, without continuance to dependents, upon first qualifying as to age and service, for retirement under that section, without discount of allowance, which is based on service rendered after the date upon which his age is based for determination of his rate of contribution according to the first sentence in this paragraph, and assuming the contribution to be made from that date. The normal rate of contribution, however, shall not exceed six per cent.

(2) The dependent rate of contribution of each member which shall be required of each member throughout his membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under section 168.1.2, and upon his first qualifying as to age and service for retirement under that section, one-third of the portion of his allowance, which is to be continued under section 168.1.5, after his death and throughout the life of a surviving wife whose age at said death is three years less than the age of said member. If, at the date of retirement for service or retirement for disability resulting from injury received in performance of duty, said member has no wife who would qualify for the continuance of the allowance to her after the death of said member, or upon retirement from disability resulting from other causes, regardless of his marital condition, the dependent contributions with accumulated interest thereon, shall be paid to him forthwith. The dependent rate of contribution, however, shall not exceed the difference between six per cent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(3) There shall be deducted from each payment of compensation made to a member under section 168.1, a sum determined by applying the member's rates of contribution to such compensation payment. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, under this section or shall be paid to said member or his estate or beneficiary as provided in sections 168.1.7, 168.1.8, and 168.1.9.

(4) Contributions based on time included in paragraphs (1), (2), (3) and (4) of section 168.1.9, and deducted prior

to July 1, 1945, from compensation of persons who become members under section 168.1, and standing with interest thereon, to the credit of such members on the records of the retirement system on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(5) The total contributions, with interest thereon, made by or charged against the city and county and standing to its credit, in the accounts of the retirement system, on account of persons who become members under this section, shall be applied to provide the benefits under this section.

(6) The city and county shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this section 168.1.10, to provide the benefits payable under this section. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his age is based for determination of his rate of contribution in paragraph (1), section 168.1.10, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year, to persons who are members under section 168.1, said percentage to be the ratio of the value on July 1, 1945, or at the later date of a periodical actuarial valuation and investigation into the experience under the system as provided by the board of supervisors, of the benefits thereafter to be paid under this section, from contributions of the city and county, less the amount of such contributions, and plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirment. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system.

(7) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the city and county held by the system to provide the benefits under this

section, shall be a part of the fund in which all other assets of said system are included. Nothing in this section shall affect the obligation of the city and county to pay to the retirement system any amounts which may or shall become due under the provisions of the charter prior to the effective date hereof, and which are represented on said effective date, in the accounts of said system by debits against the city and county.

Section 168.1.12. No person retired as a member under section 168.1 after June 30, 1945, for service or disability and entitled to receive a retirement allowance under the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror shall not be affected by this section.

Section 168.1.18. Amended sections 168.1.1, 168 1.2, 168.1.3, 168.1.4, 168.1.5, 168.1.10 and 168.1.12 contained in the proposition therefor submitted to the electorate on June 4, 1968, shall take effect on the first day of the month following their ratification by the State Legislature.

The amendments of sections 168.1.1, 168.1.2, 168.1.3, 168.1.4, 168 1.5, 168 1.10 and 168.1 12 do not and shall not increase any allowance first in effect prior to the effective date of said amendments.

Section 171.1.1 The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workmen's Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the city and county, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the fire department, but excluding remuneration paid for overtime.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him during such period, it being assumed that during any absence he was in the rank or position held by him at the beginning of the absence, and that prior to becoming a member of the fire department he was in the rank or position first held by him in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the monthly compensation earnable by a member at the time of his retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, "final compensation," as to such member shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position.

For the purpose of the retirement system and of this section, the terms "member of the fire department," "member of the department," or "member" shall mean any officer or employee of the fire department, excluding such officers and employees as are members of the retirement system under section 169 of the charter, who was or shall be subject to the charter provisions governing entrance requirements of members of the uniformed force of said department, and said terms further shall mean, from the effective date of their employment in said department, persons employed on the effective date hereof, regardless of age, or employed after said date at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform the duties now performed by members of the salvage corps in the fire department, or duties now performed under the titles of pilot of fireboats, marine engineer of fireboats, marine fireman of fireboats, or hydrant-gateman. Any fire service performed by such member of the fire department outside the limits of the city and county and under orders of a superior officer of any such member, shall be considered as city and county service, and any disability or death incurred therein shall be covered under the provisions of the retirement system.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in section 158 of the charter.

"Retirement board" shall mean "retirement board" as created in Section 159 of the charter.

"Charter" shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

Section 171.1.2. Any member of the fire department who completes at least twenty-five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under section 171.1.9, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-five years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to fifty-five per cent of the final compensation of said member, as defined in section 171.1.1, plus an allowance at the rate of three per cent of said final compensation, for each year of service rendered after qualifying as to age and service for retirement; provided, however, that such retirement allowance shall not exceed seventy per cent of said member's final compensation. A member retired after attaining the age of sixty-five years, but before completing twenty-five years of service in the aggregate computed under section 171.1.9, shall receive a retirement allowance which bears the same ratio to fifty per cent of the final compensation of said member, as defined in section 171.1.1, as the service with which he is entitled to be credited, bears to twenty-five years. If, at the date of retirement for service, or retirement for disability resulting from an injury received in performance of duty, said member has no wife, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or section 171.1.3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system, including the character and amount of such other benefits.

Section 171.1.3. Any member of the fire department who becomes incapacitated for the performance of his duty by reason of any bodily injury received in, or illness caused by performance of his duty, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in section 171.1.1, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workmen's Compensation Appeals Board of the State of California

upon referral from the retirement board for that purpose; provided that the retirement board may, by five (5) affirmative votes, adjust the percentage of disability as determined by said Appeals Board; and provided, further, that such retirement allowance shall be in an amount not less than fifty per cent nor more than ninety per cent of the final compensation of said member, as defined in section 171.1.1. Said allowance shall be paid to him until the date upon which said member would have qualified for service retirement had he lived and rendered service without interruption in the rank held by him at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in section 171.1 1, he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than fifty-five per cent of such final compensation.

If at the time of retirement because of disability, he is qualified as to age and service for retirement under section 171.1.2, he shall receive an allowance equal to the retirement allowance which he would receive if retired under section 171.1.2, but not less than fifty-five per cent of said final compensation. Any member of the fire department who becomes incapacitated for performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least ten years of service in the aggregate, computed as provided in section 171.1.9, shall be retired upon an allowance of one and one-half per cent of the final compensation of said member as defined in section 171.1.1 for each year of service, provided that said allowance shall not be less than thirty-three and one-third per cent of said final compensation The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the fire commission, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

Section 171.1.4. If a member of the fire department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance, in lieu of any allowance payable under any other section of the charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his surviving wife throughout her life or until her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on the day of death, but such allowances shall not be less than fifty-five per cent of the final com-

pensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he lived and rendered service without interruption in the rank held by him at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than fifty-five per cent of such monthly final compensation. If he had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he was a member under section 171.1 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving widow otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness which results in death.

Section 171.1.5. Upon the death of a member resulting from any cause, other than an injury received in or illness caused by performance of duty, (a) if his death occurred after qualification for service retirement, under section 171.1.2, or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by performance of duty, three-fourths of his retirement allowance to which the member would have been entitled if he had retired for service at the time of death or three-fourths of the retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until

remarriage, to his surviving wife, or (b) if his death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, his retirement allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which results in death if he had not retired, or unless she was married to the member at least one year prior to his retirement.

As used in this section and section 171.1.4, "surviving wife" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in section 171.1.7, in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the child or children under age eighteen, may make such election, and if there be no such children, the dependent parent or parents may make such election. Persons heretofore retired under charter section 171, as members of the fire department at the time of retirement, shall be subject to the provisions of this section. "Qualified for service retirement," "Qualification for service retirement" or "Qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under section 171.1 are subject, shall mean completion of twenty-five years of service and attainment of age fifty, said service to be computed under section 171.1.9.

Section 171.1.10. All payments provided under this section shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The normal rate of contribution of each member under this section shall be based on his age taken to the next lower complete quarter year, (a) at the earlier of the dates he became a member under section 165, 165.2 or 171, in the case of persons who are members under these sections, or (b) on his age at the date he becomes a member under section 171.1 in the case of persons who become members on or after the effective date of this amendment, without credit for service counted under section 171.1.9. The age of entrance into the fire department shall be determined by deducting the member's service credited under section 171.1.9 as rendered prior to the date upon which his age is based for determination of his rate of contribution according to the sentence next preceding, from said age. The normal rate of contribution of each such member, to be effective from the effective date of membership under section 171.1, shall be such as, on the average for such member, will provide, assuming service without interruption, under section 171.1.2, one-third of that portion of the service retirement allowance to which he would be entitled, without continuance to dependents, upon first qualifying as to age and service, for retirement under that section, which is based on service rendered after the date upon which his age is based for determination of his rate of contribution according to the first sentence in this paragraph, and assuming the contribution to be made from that date. The normal rate of contribution, however, shall not exceed six per cent.

(2) The dependent contributions of each member under this section which shall be required of each member throughout his membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under section 171.1.2, and upon his first qualifying as to age and service for retirement under that section, one-third of the portion of his allowance, which is to be continued under section 171.1.5 after his death and throughout the life of a surviving wife whose age at said death is three years less than the age of said member. If, at the date of retirement for service or retirement for disability resulting from injury received in performance of duty, said member has no wife who would qualify for the continuance of the allowance to her after the death of said member, or upon retirement for disability resulting from other causes, regardless of his marital condition, the dependent contributions with accumulated interest thereon, shall be paid to him forthwith. The dependent rate of contribution, however, shall not exceed the difference between six per cent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(3) There shall be deducted from each payment of compensation made to a member under this section, a sum determined by applying the member's rates of contribution to such compensation payment. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, under this section or shall be paid to said member or his estate or beneficiary as provided in sections 171.1.7, 171.1.8 and 171.1.9.

(4) Contributions based on time included in paragraphs (1), (2) and (3) of section 171.1.9, and deducted prior to the effective date thereof, from compensation of persons who become members under section 171.1, and standing with interest thereon, to the credit of such members on the records of the retirement system on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(5) The total contributions, with interest thereon, made by or charged against the city and county and standing to its credit, in the accounts of the retirement system, on account of persons who become members under this section, shall be applied to provide the benefits under this section.

(6) The city and county shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this section 171.1.10, to provide the benefits payable under this section. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his age is based for determination of his rate of contribution in paragraph (1) section 171.1.10, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year, to persons who are members under section 171.1, said percentage to be the ratio of the value on the effective date hereof, or at the later date of a periodical actuarial valuation and investigation into the experience under the system as provided by the board of supervisors, of the benefits thereafter to be paid under this section,

from contributions of the city and county, less the amount of such contributions, and plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system.

(7) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies the contributions of both members and the city and county held by the system to provide the benefits under this section, shall be a part of the fund in which all other assets of said system are included. Nothing in this section shall affect the obligations of the city and county to pay to the retirement system any amounts which may or shall become due under the provisions of the charter prior to the effective date hereof, and which are represented on said effective date, in the accounts of said system by debits against the city and county.

Section 171.1.12. No person retired as a member under section 171.1 for service or disability and entitled to receive a retirement allowance under the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror shall not be affected by this section.

Section 171.1.15. Amended sections 171.1.1, 171.1.2, 171.1.3, 171.1.4, 171.1.5, 171.1.10 and 171.1.12 contained in the proposition therefor submitted to the electorate on June 4, 1968, shall take effect on the first day of the month next following their ratification by the State Legislature.

The amendments of sections 171.1.1, 171.1.2, 171.1.3, 171.1.4, 171.1.5, 171.1.10 and 171.1.12 do not and shall not increase any allowance first in effect prior to the effective date of said amendments.

State of California }
City and County of San Francisco } ss

This is to certify that we, John A. Ertola, President of the Board of Supervisors of the City and County of San Francisco, and Robert J. Dolan, Clerk of the Board of Supervisors of said city and county, have compared the foregoing pro-

posed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said city and county at a consolidated primary and special election held on Tuesday, the fourth day of June, One Thousand Nine Hundred and Sixty-eight; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, We have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this twentieth day of June, One Thousand Nine Hundred and Sixty-eight.

JOHN A. ERTOLA
(SEAL) President of the Board of Supervisors
of the City and County of San Francisco

ROBERT J. DOLAN
Clerk of the Board of Supervisors
of the City and County of San Francisco

Approved as to form:
THOMAS M. O'CONNOR
City Attorney

and

WHEREAS, The proposed charter amendments, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City and County of San Francisco, as proposed to, and adopted and ratified by, the electors of the city and county, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, as amendments to the Charter of the City and County of San Francisco.

RESOLUTION CHAPTER 141

Senate Concurrent Resolution No. 42—Relative to requesting reserved parking facilities for handicapped persons at commercial airports.

[Filed with Secretary of State June 27, 1968.]

WHEREAS, The State of California has long been in the forefront of providing special services for the physically handicapped; and

WHEREAS, California's air transportation system is growing by "leaps and bounds," and the use of this system by the physically handicapped is also growing at a rapid pace; and

WHEREAS, These persons have encountered, often times, considerable difficulty at the airport because of the great distance and inaccessibility of parking places, and the additional inconveniences presented by street curbs, and terminal stairways; and

WHEREAS, Handicapped citizens of California are issued special license plates, such as VET, VTN, DPW, DPX, DPY, and DPZ, for the purpose of allowing such persons parking privileges in limited-time parking zones; and

WHEREAS, The providing of parking spaces for such persons as near as is practical to passenger terminal buildings, and of ramps to facilitate the freer movement of persons on wheelchairs would be another step forward in caring for the handicapped; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request all managers and governing bodies of airports used for commercial transportation to set aside, and so identify, a reasonable number of parking spaces exclusively for handicapped persons as identified by their license plates, and furnish suitable ramps to assist in the freer movement of such persons; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to James A. Walker, Chief of the Statewide Planning Project, Department of Rehabilitation.

RESOLUTION CHAPTER 142

Assembly Concurrent Resolution No. 58—Relating to motor vehicle equipment violations.

[Filed with Secretary of State June 28, 1968]

WHEREAS, Many vehicles are operated in this state with relatively minor equipment violations of a nature which are often not readily apparent to the drivers of the vehicles and which may be easily remedied; and

WHEREAS, It is important that the mechanical condition of vehicles be given appropriate attention in developing a total traffic safety program; and

WHEREAS, The State of California has adopted a random type vehicle inspection program to improve the mechanical condition of vehicles in this state; and

WHEREAS, The California Highway Patrol has developed a procedure which requires the elimination of the equipment violation within a reasonable length of time and further promotes highway safety by encouraging the repair of equipment; and

WHEREAS, Local enforcement agencies should be encouraged to follow the same procedures developed by the California Highway Patrol in order to provide a uniform application of the law throughout the state in dealing with equipment violations; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That any interested local law enforcement agencies engaging in traffic law enforcement are hereby requested to review the procedures followed by the California Highway Patrol in dealing with motor vehicle equipment violations, and to adopt such procedures if they wish to do so; and be it further

Resolved, That the Commissioner of the California Highway Patrol is requested to cooperate with and make available to all local law enforcement agencies engaged in traffic law enforcement the procedures being used by the California Highway Patrol in dealing with motor vehicle violations of the Vehicle Code relating to equipment violations; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Commissioner of the California Highway Patrol.

RESOLUTION CHAPTER 143

Assembly Concurrent Resolution No. 71—Relative to the retention of land for the use of California State Polytechnic College, Kellogg-Voorhis.

[Filed with Secretary of State June 28, 1968.]

WHEREAS, The Budget Act of 1959 (Section 2, Item 333(q)) contemplated that a certain parcel of land, consisting of approximately 156.16 acres, a part of the California State Polytechnic College, would become surplus and should be sold; and

WHEREAS, During the nearly eight years which have elapsed since that time, the college, now the California State Polytechnic College, Kellogg-Voorhis, has grown in enrollment from 1,674 to 5,497 full-time-equivalent students, and is master planned for an enrollment of 20,000 full-time-equivalent students; and

WHEREAS, This growth has brought and will continue to bring increasing pressure upon land needed for the academic program of the college; and

WHEREAS, This parcel is necessary to carry out the academic program of the college, particularly in agriculture; and

WHEREAS, The location of this parcel with respect to the college campus is such that it is particularly desirable that it be retained for college purposes; and

WHEREAS, The State Board of Agriculture and the Board of Trustees of the California State Colleges, have each rec-

ommended that the parcel be retained for college purposes; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Departments of Finance and General Services, and the Trustees of the California State Colleges, are requested not to sell the parcel of land referred to in this resolution, or to otherwise dispose of it in a manner which would interfere with its use for college purposes, pending further action by the Legislature on this subject on or before June 30, 1970; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Finance, to the Director of General Services, and to the Trustees of the California State Colleges.

RESOLUTION CHAPTER 144

Senate Concurrent Resolution No. 58—Relative to water quality at state water projects.

[Filed with Secretary of State July 1, 1968.]

WHEREAS, The State of California is currently constructing one of the largest water projects ever undertaken for the purpose of annually conveying more than 4,000,000 acre-feet of water from water surplus to water deficient areas of the state; and

WHEREAS, The construction of dams, reservoirs, aqueducts, and pumping plants necessary to deliver such water to meet ever increasing demands will also foster the rapid development of areas surrounding such project facilities, particularly project reservoirs; and

WHEREAS, The development of artificial water bodies, particularly in areas of the state not blessed with an abundance of natural lakes, will make such areas extremely attractive for urban, recreational, and commercial development; and

WHEREAS, The State of California, under the Davis-Dolwig Act, is planning for the recreational development of project reservoirs and will develop facilities to annually accommodate millions of visitor days of use; and

WHEREAS, The development of lands surrounding project reservoirs, including recreational development by the State of California, in the absence of proper planning and in the absence of the construction of necessary waste collection, treatment, and disposal facilities, could serve to materially degrade the quality of water in such reservoirs; and

WHEREAS, The maintenance of high water quality in project reservoirs, as well as in all other waters of the state, is of utmost concern to all Californians; and

WHEREAS, The disposal of municipal, industrial, and agricultural wastes is creating ever more difficult problems with

respect to the maintenance of the quality of the waters of this state; and

WHEREAS, It is essential that the waste disposal needs of areas surrounding project reservoirs, including needs occasioned by the development of project reservoirs for recreation purposes, be considered in project planning in order to protect the quality of the water which will be delivered by the State Water Resources Development System; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Parks and Recreation, the Department of Water Resources, and all other state agencies participating in the development of facilities associated with state water projects, are urged, in planning for the recreational development of project reservoirs, to cooperate with local public agencies in seeking solutions to sewage collection, treatment, and disposal problems adjacent to reservoirs at which recreational facilities are being constructed by the state, and to take all necessary and proper measures to preserve the quality of the water developed by such projects; and be it further

Resolved, That each such department or agency is requested, to the extent practicable and feasible, to study programs whereby the sewerage treatment and disposal needs of facilities constructed by the state and developed by such departments or agencies can be met by local sewerage disposal systems through appropriate state cost sharing, and to report to the Legislature on the need, advisability and cost to the state of any such programs, not later than the fifth legislative day of the 1969 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Administrator of the Resources Agency, the Director of Parks and Recreation, the Director of Water Resources, and the Director of the Department of Fish and Game.

RESOLUTION CHAPTER 145

Senate Concurrent Resolution No. 94—Approving amendments to the Charter of the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, voted for and ratified by the qualified electors of said city at the special municipal election held therein on the fourth day of June, 1968.

[Filed with Secretary of State July 1, 1968.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of amendments hereinafter set forth to the Charter of the City of San Buenaventura, a municipal corporation, in the County of Ventura, State of California, as set out in the certificate of the mayor pro tem

and the city controller and exofficio city clerk of said city as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA

State of California
County of Ventura } ss.
City of San Buenaventura

We, Thomas L. Bailey, Mayor pro tem of the City of San Buenaventura, California, and Scott Ruckman, City Controller and Ex-Officio City Clerk of said City, do hereby certify and declare as follows:

That the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than three thousand five hundred, but less than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the qualified electors of said City at an election duly held for that purpose on the 7th day of January, 1932, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1933, (Statutes of 1933, p. 2870).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Buenaventura, being the legislative body of said City, on its own motion, by Ordinance No. 1512, duly and regularly submitted to the qualified electors of said City certain proposals for the amendment of the charter of said City to be voted on by said qualified electors at the consolidated special municipal election called and held for that purpose in said City on the 4th day of June, 1968.

That on the 10th day of April, 1968, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the California Constitution and the charter of the City of San Buenaventura, in each and every edition of said day of April 10, 1968, in "The Ventura County Star-Free Press", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper of said City; all as shown by the affidavit of publication on file in the office of the City Controller and Ex-Officio City Clerk of said City.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a special municipal election consolidated with the California Primary Election held on June 4, 1968, which was not less than forty,

nor more than sixty, days after completion of the advertising in the official newspaper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Council of the City of San Buenaventura, which pursuant to law met on June 17, 1968, and duly declared the result of said canvass of the returns of said election by Resolution No. 6604.

That the said amendments to the charter of the City of San Buenaventura, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Charter Amendment No. 1—Shall Article XI of the Charter of the City of San Buenaventura be repealed and Section 1 of Article VI of the Charter of the City of San Buenaventura be amended to read:

(Article VI) "Section 1. Officers. The officers of the City of San Buenaventura shall be seven members of the Council, five members of the Board of Education, five Library Trustees, a City Manager, a City Attorney, a City Controller who shall be Ex-Officio City Clerk, a Public Works Director, a City Treasurer, a City Tax Collector, a City Assessor, a City Engineer, a Chief of Police, a Fire Chief, and such other officers or boards as the Council may create by ordinance. The members of the Council shall be elected from the City at large, as provided in this Charter; the members of the Board of Education shall be elected from the San Buenaventura School District at large; provided, however, that all qualified electors of the San Buenaventura School District shall have the right to vote for members of the Board of Education. All other officers, assistants, deputies, clerks, and employees appointed as provided in this Charter, shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers is vested in the Council, such appointment and any removal must be made by a four-sevenths vote of the Council."

Charter Amendment No. 2—Shall Paragraph (3) of Section 9 of Article VII of the Charter of the City of San Buenaventura be amended to read:

(Section 9, Article VII) "3. Public Work to be done by Contract: In the erection, improvement and repair of all public buildings, and public works, excluding maintenance, and in furnishing any supplies or materials for the same, or for any other use by the City, when the expenditure required for the same exceeds the sum theretofore established by ordinance, the same shall be done by contract, and shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two insertions; the first of which shall be at least ten days before the time for opening bids;

provided, however, the Council may by a five-sevenths vote reject any and all bids, if deemed excessive, and re-advertise for bids, or provide for the work to be done or supplies or materials purchased under the direction of the Manager, provided the total cost submitted by the Manager shall not exceed the lowest acceptable bid submitted. In case no bid is received, the Council may likewise provide for the work to be done or supplies or materials purchased under the direction of the Manager."

Charter Amendment No 3—Shall Paragraph (6) of Section 3 of Article IX of the Charter of the City of San Buenaventura be repealed and Paragraph (17) of Section 3 of Article IX of the Charter of the City of San Buenaventura be amended to read:

(Section 3, Article IX) "17. From time to time, in order to facilitate the prompt, economical and efficient dispatch of City business, to create, alter, or eliminate City departments with the concurrence of the Council by ordinance, to organize the work of the departments under his control, to assign assistants, deputies and employees from any office or department of the City government to perform work or service in connection with any other office or department thereof, or to work in more than one of said offices or department; provided that no such change shall affect the powers or duties of any elective officer of the City."

Charter Amendment No. 4—Shall Sections 17, 18, 19, and 20 of Article XVII of the Charter of the City of San Buenaventura be repealed and Paragraph (8) of Section 8 and Section 13 of Article XVII of the Charter of the City of San Buenaventura be amended to read:

(Paragraph (8), Section 8, Article XVII) "8. An item to be known as 'unappropriated balance,' which sum shall be available for appropriation later in the fiscal year to meet contingencies which might arise."

(Article XVII) "Section 13. Funds. All money paid into the City Treasury shall be credited to and kept in separate funds in accordance with the provisions of this Charter, the law, or ordinance. The following funds are hereby established: General Fund, and such bond funds, interest funds, sinking funds, special deposit funds, trust funds, and other funds as may be required by law or ordinance. For the purposes of this Charter, the General Fund is established as a medium of control of and accounting for municipal activities other than activities authorized or contemplated by special funds. All revenues and receipts which are not by law or charter pledged or encumbered for special purposes shall be credited to the General Fund."

Charter Amendment No. 5—Shall Section 4 of Article XVII of the Charter of the City of San Buenaventura be amended to read:

(Article XVII) "Section 4. Presentation of Demands. All demands against the City shall, before being paid, be

presented to and approved by the proper Board, Commissioner or Officer as herein provided. Demands against the Library Fund shall be presented to the Board of Library Trustees, demands against funds in the control of the Board of Education shall be presented to the Board of Education, demands for which no appropriation has been made shall be presented to the Council; and all other demands shall be presented to the Manager; provided, that any person dissatisfied with the refusal of the Manager to approve any demand, in whole or in part, may present the same to the Council, and the approval of such demand by a 5/7ths vote of the Council shall have the same effect as its approval by the Manager."

Charter Amendment No. 6—Shall Sections 10, 23, and 24 of Article XVII of the Charter of the City of San Buenaventura be amended to read:

(Article XVII) "Section 10. Transfer of Appropriations. At any meeting after the adoption of the budget or budgets, the Council, by a vote of four members, may amend or supplement such budget or budgets, so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget. The Council may provide by ordinance for the transfer by the Controller, subject to the approval of the Manager, of any unused balances that are less than an amount specified in the ordinance.

"Section 23. Deposit of Money Collected. All moneys received from taxes, licenses, fees, fines, penalties and forfeitures, and all money which may be collected or received by any officer of the City in his official capacity or by any department of the City for the performance of any official duty, and all moneys accruing to the City from any source, and all moneys directed by law, or by this Charter, to be paid or deposited in the Treasury, shall be paid into the Treasury.

"Section 24. Counting the City's Money. The Controller shall count the money and other securities in the Treasury at least once every three months, and ascertain if the amounts on hand tally with the amounts which should be in the Treasury according to the books of the City. He shall make a written report thereof to the Council at its first regular meeting thereafter."

We further certify that we have compared the text of the foregoing amendments to the charter of the City of San Buenaventura with the original proposals submitting the same to the electors of said City, and find that the foregoing are full, true, correct and exact copies of said amendments. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the seal of the City of San Buenaventura to be affixed hereto this 18th day of June, 1968.

THOMAS L. BAILEY
(SEAL) Thomas L. Bailey, Mayor pro tem of the City of San Buenaventura, California
SCOTT RUCKMAN
Scott Ruckman, City Controller and Ex-Officio City Clerk of the City of San Buenaventura, California

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and are now duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of San Buenaventura as proposed to, and adopted and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of said City of San Buenaventura.

RESOLUTION CHAPTER 146

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 21.5 to Article XIII thereof, relating to hospitals.

[Filed with Secretary of State July 2, 1968.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1968 Regular Session, commencing on the eighth day of January, 1968, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 21.5 to Article XIII thereof, to read:

SEC. 21.5. The Legislature shall have the power to insure or guarantee loans made by private or public lenders to nonprofit corporations and public agencies, the proceeds of which are to be used for the construction, expansion, enlargement, improvement, renovation or repair of any public or nonprofit hospital, hospital facility, or extended care facility, facility for the

treatment of mental illness, or all of them, including any outpatient facility and any other facility useful and convenient in the operation of the hospital and any original equipment for any such hospital or facility, or both.

No provision of this Constitution, including but not limited to, Section 1 of Article XVI and Section 18 of Article XI, shall be construed as a limitation upon the authority granted to the Legislature by this section.

RESOLUTION CHAPTER 147

Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 35.5 to Article XIII thereof, relating to taxation of premiums paid on certain contracts providing retirement benefits for employees of public and nonprofit educational institutions and nonprofit scientific and research organizations.

[Filed with Secretary of State July 3, 1968]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1968 Regular Session commencing on the eighth day of January, 1968, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 35.5 to Article XIII thereof, to read:

SEC. 35.5. The Legislature may exclude from the basis of the annual tax imposed by Section 14¼ of this article all premiums paid on contracts providing retirement benefits issued on the lives of persons who, at the time of such issuance, are in the employ of (1) a public school or public educational institution of collegiate grade or (2) a nonprofit educational institution of collegiate grade, school or nonprofit organization engaged in scientific research.

RESOLUTION CHAPTER 148

Senate Concurrent Resolution No. 79—Relative to Safe Boating Week.

[Filed with Secretary of State July 3, 1968]

WHEREAS, Pleasure boating is a form of recreation which can be enjoyed by everyone, and is becoming increasingly popular in all areas of the state; and

WHEREAS, This sport takes place in a relatively unfamiliar environment subject to swift and sometimes violent change; and

WHEREAS, Boating waters of the state are limited and the number of boats using them is increasing, resulting in high concentrations in some areas; and

WHEREAS, The safe operation of boats requires special knowledge and skills with regard to boat handling, traffic rules, and the forces of nature, combined with exercise of sound judgment; and

WHEREAS, It is the responsibility of all who engage in boating and related activities to follow safe practices on our waterways in order to preserve the enjoyable character of this majestic sport; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature of the State of California encourage all those using the waters of the state to increase their knowledge of boating safety laws and practices, and to use such knowledge to make a safer and more enjoyable boating environment for themselves and their fellowman; and be it further

Resolved, That the Governor be requested to proclaim the week commencing June 30, 1968, as Safe Boating Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 149

Assembly Joint Resolution No. 13—Relative to pest control.

[Filed with Secretary of State July 3, 1968.]

WHEREAS, The United States Congress has authorized the Department of Health, Education and Welfare to develop a pest control program that would begin to rid our nation and its major cities of rats and other vermin; and

WHEREAS, The California Department of Public Health acting in behalf of local health agencies and the California pest control industry, has applied for a health services special project grant which would augment the activities of the Bureau of Vector Control; and

WHEREAS, The State Department of Public Health would develop a job training program designed to create career opportunities in the pest control field for the unemployed as an integral part of the federal program; and

WHEREAS, The United States Public Health guidelines would emphasize the Norwegian or sewer rat, which is common to other rat-infested areas of the nation, rather than the roof rat, which plagues California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States ensure that guidelines relating to pest control in the United States developed by the federal government not exclude that species of rat or other vermin common to California; and be it further

Resolved, That the State Department of Public Health develop and transmit a report to each Senator and Representative from California in the Congress of the United States which will inform them of the unique pest control problems in California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States and to the State Director of Public Health.

RESOLUTION CHAPTER 150

Assembly Joint Resolution No. 31—Relative to marine and coastal resources.

[Filed with Secretary of State July 3, 1968.]

WHEREAS, The United States Congress has in the past demonstrated wisdom and foresight in the matter of encouraging expansion of the national economy through enactment of legislation giving incentive to investors to provide risk capital to promising new and pioneering economic ventures; and

WHEREAS, Such encouragement has in fact generated the needed investment and created totally new industries, resulting in enhancement of the national economy, increase in the gross national product, and substantial new revenues to all levels of government; and

WHEREAS, The dramatic action of the Congress in its enactment of legislation which permitted formation of a profit-making corporation for the operation of communication satellites, and still earlier of legislation granting favorable tax treatment to real estate investment trusts, provides evidence of a fundamental belief by members of the Congress in the wisdom of assigning to the private economic sector maximum responsibility and opportunity for the development of pioneer industries; and

WHEREAS, The aforementioned acts of Congress further provide evidence of the recognition of the important role of and need for governmental encouragement of private investment, and

WHEREAS, The U.S. today still enjoys the greatest potential of any nation in the world for commercial exploitation of marine and coastal resources; and

WHEREAS, The realization of this potential is seriously threatened by competition from foreign nations whose research and operational ocean-oriented activities are subsidized by their governments; and

WHEREAS, The benefit from accelerated development of ocean-oriented industry will flow through the 22 coastal states to others which do not enjoy direct access to the ocean, enhancing the economy of the entire U.S. through increased activity in the related industries of food processing, petroleum refining, mineral extrusion and processing, transportation, recreation, electronics and other manufacturing industries; and

WHEREAS, Under legislation enacted by the California Legislature at its 1968 Regular Session a private ocean resources development corporation may be formed to be governed by a board of directors including as ex officio directors public officers serving as guardians of the public interest; and

WHEREAS, Enactment of enabling legislation analogous to that passed by the 86th Congress in 1960 in permitting the real estate investment trust to be treated as a nontaxable conduit for purposes of federal corporate income taxation, resulting in the probable appreciation in value of the investment, would distinctly encourage investment in such profit-making entities as the California Ocean Resources Development Corporation; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes and encourages the Congress of the United States to grant to entities formed for the purpose of developing commercial exploitation of ocean resources as may be formed in all states of the union vitally needed investment incentive through enactment of enabling legislation analogous to that passed by the 86th Congress in 1960 giving to the real estate investment trust the status of a nontaxable conduit for purposes of federal corporate income taxation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairman of the Subcommittee on Oceanography of the House Committee on Merchant Marine and Fisheries, to each Senator and Representative from California in the Congress of the United States, and to each Governor of the 22 coastal states.

RESOLUTION CHAPTER 151

Assembly Joint Resolution No 36—Relative to the rehabilitation of the Pacific mackerel resource.

[Filed with Secretary of State July 3, 1968]

WHEREAS, The Pacific mackerel constitutes an important resource to all citizens of California by providing jobs, food, recreation and other economic benefits; and

WHEREAS, There is a need to sustain this important resource by maintaining and increasing the Pacific mackerel population along the coasts of California and Baja California in Mexico; and

WHEREAS, The Pacific mackerel population off California and Baja California has experienced a severe decline; and

WHEREAS, At the present time the bulk of the Pacific mackerel population is located off Mexico; and

WHEREAS, It is apparent that remedial action must be initiated to rehabilitate this important economic and recreational resource; now, therefore, be it

Resolved by the Assembly and Senate of California, jointly, That the Department of Fish and Game is requested to make the necessary arrangements, with appropriate agencies of the government of Mexico, to provide for meetings of Californian and Mexican scientists, at which data and information relating to the status of the Pacific mackerel can be exchanged in order that all scientific information may be considered, and gaps in data may be identified, so that the exact status of the population can be ascertained; and be it further

Resolved, That representatives of the United States Department of State and of the United States Bureau of Commercial Fisheries are invited to participate in this exchange of scientific information; and be it further

Resolved, That the Director of the Department of Fish and Game is requested to report on the progress of such scientific data exchange to the Legislature not later than February 1, 1969; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the United States Department of State, to the Director of the United States Bureau of Commercial Fisheries, to the Director of the California Department of Fish and Game, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 152

Assembly Concurrent Resolution No. 48—Relative to state water projects.

[Filed with Secretary of State July 3, 1968.]

WHEREAS, The Legislature, in enacting the Davis-Dolwig Act, found and declared it to be "necessary for the general public health and welfare that facilities for the storage, conservation or regulation of water be constructed in a manner consistent with the full utilization of their potential for the enhancement of fish and wildlife and to meet recreational needs," and further found and declared that "the providing for the enhancement of fish and wildlife and for recreation in connection with water storage, conservation or regulation facilities, benefits all of the people of California, and that the project construction costs attributable to such enhancement of fish and wildlife and recreation features should be borne by them"; and

WHEREAS, The Legislature further found and declared it to be the policy of this state "that recreation and the enhancement of fish and wildlife resources are among the purposes of state water projects; that the acquisition of real property for such purposes be planned and initiated concurrently with and as part of the land acquisition program for other purposes of state water projects; and that facilities for such purposes be ready and available for public use when each state water project having a potential for such use is completed"; and

WHEREAS, The above-mentioned act defined recreational purposes as including, "but not limited to, those recreational pursuits generally associated with the out-of-doors, such as camping, picnicking, fishing, hunting, water contact sports, boating, and sightseeing, and the associated facilities of campgrounds, picnic areas, water and sanitary facilities, parking areas, view points, boat launching ramps, and any others necessary to make project land and water areas available for use by the public"; and

WHEREAS, The Legislature further found that "the planning for public recreation use and fish and wildlife preservation and enhancement in connection with state water projects shall be a part of the general project formulation activities of the Department of Water Resources"; and

WHEREAS, The Legislature further expressed this same intent in Senate Resolution No. 53 of the 1962 Regular Session and in Senate Resolution No. 54 of the 1963 Regular Session, and the same intent was expressed even more explicitly in Assembly Concurrent Resolution No. 54 of the 1965 Regular Session; and

WHEREAS, Funds are provided pursuant to Chapter 27 of the Statutes of 1966, First Extraordinary Session, in connection with project costs which are allocated to recreation and fish and wildlife enhancement; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Water Resources, under the direction of the Administrator of the Resources Agency, is requested to formulate plans for recreational development of the California Aqueduct, including land acquisition, consistent with the requirements of the Davis-Dolwig Act and reflecting modifications in scope and cost of individual facilities, such as, but not limited to, those considered and proposed by the Senate Committee on Water Resources in its progress report to the Legislature in its 1968 Regular Session entitled "Recreation at the State Water Project—A Review of the Report of the Recreation Task Force," and to submit a report thereon to the Legislature, together with a summary of estimated capital expenditures for the next five years, reported on a yearly basis, necessary for the development of these recreational and fish and wildlife enhancement facilities, not later than the fifth legislative day of the 1969 Regular Session of the Legislature; and be it further

Resolved, That each affected state department is requested to budget for and commence the development of such recreational and fish and wildlife enhancement facilities at such time as is consistent with the Legislature's stated intent that facilities for such purposes be ready and available for public use when each state water project having a potential for such use is completed; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the Administrator of the Resources Agency, the Director of Water Resources, the Director of Parks and Recreation, and the Director of the Department of Fish and Game.

RESOLUTION CHAPTER 153

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 11¼ to Article XIII thereof, relating to personal income taxes.

[Filed with Secretary of State July 7, 1968]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1968 Regular Session commencing on the eighth day of January, 1968, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 11¼ to Article XIII thereof, to read:

SEC. 11¼. (a) Except as provided in subdivision (c), the Legislature may simplify the reporting and collecting of California personal income taxes, notwithstanding any other pro-

vision of this Constitution, by reference to any provision of the laws of the United States as the same may be or become effective at any time or from time to time, and may prescribe exceptions or modifications.

(b) The phrase "any provision of the laws of the United States" shall not refer to the amount of any federal tax on, in respect to, or measured by, personal income which is computed under any provision of the federal laws.

(c) The Legislature shall not enact any statute which directly or indirectly provides for a change in state personal income tax rates based upon future changes in personal income tax rates of the United States.

RESOLUTION CHAPTER 154

Assembly Joint Resolution No. 19—Relative to construction of a second Panama Canal.

[Filed with Secretary of State July 8, 1968.]

WHEREAS, The Panama Canal is of the greatest importance to the national prosperity and economic welfare of the United States; and

WHEREAS, Construction of a second canal would be a great economic benefit to the United States in that such construction would increase trade and would directly increase employment at the harbors and ports of California; and

WHEREAS, The importance of a second canal is further demonstrated by the fact that it would reduce the cost of items that are currently imported by other means of transport and shipment; and

WHEREAS, The present canal is subject to severe limitations, particularly with respect to the size of ships which may use the canal, forcing many ships to make the long trip around Cape Horn; and

WHEREAS, A second canal is also badly needed simply by reason of the ever-increasing volume of ship traffic desiring to use the canal; and

WHEREAS, The danger of the canal being blocked or otherwise closed to all shipping as a result of accident, and the economic consequences of the present limitations on the use of the canal are of particular concern to West Coast ports; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take such steps as may be necessary to secure the construction at the earliest possible time of a second canal to supplement the existing Panama Canal, which could handle ships of greater size, help accommodate the ever-increas-

ing volume of ship traffic, and provide security from the disastrous consequences which could result from the closure of the existing canal to all shipping; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 155

Assembly Joint Resolution No. 37—Relative to the law of water rights.

[Filed with Secretary of State July 8, 1968.]

WHEREAS, Legislation has been introduced in the 90th Congress of the United States to clarify the relationship of interest of the United States and those of the several states in the use of the waters of certain streams of the nation; and

WHEREAS, Such legislation has long been needed to eliminate uncertainties concerning water rights based on state laws without impairing federal water resource programs; and

WHEREAS, Extensive hearings have been held by committees of the Congress at which the need for legislative clarification has been amply documented; and

WHEREAS, Such legislation embodies those provisions which received concurrence and support from all parts of the United States at the aforementioned hearings; and

WHEREAS, The Legislature of the State of California has consistently supported principles involved in this and similar legislation as necessary to the promotion of orderly development of water resources; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation to resolve the uncertainties which now exist in the security of water rights; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the chairmen of the U.S Senate and House of Representatives Committees on Interior and Insular Affairs, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 156

Assembly Concurrent Resolution No. 27—Relative to State Highway Route 580.

[Filed with Secretary of State July 8, 1968]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the portion of State Highway Route 580 from Route 238 to Route 17 is hereby officially designated the MacArthur Freeway; and be it further

Resolved, That the Department of Public Works is hereby requested to erect and maintain appropriate signs on this highway showing this official designation, if the department first determines that such action would not result in the loss to the state of any federal funds for highway purposes; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 157

Assembly Concurrent Resolution No. 65—Relative to student admissions at California's institutions of higher learning.

[Filed with Secretary of State July 8, 1968]

WHEREAS, The Legislature finds that it is in the best interests of the people of the State of California to encourage the universities and colleges in the state, both public and private, to continue and to expand their efforts to recruit academically qualified students from disadvantaged groups to apply for admission to their respective institutions; and

WHEREAS, The Coordinating Council for Higher Education has urged these institutions to give maximum attention to the problem of providing higher education to disadvantaged students who have collegiate ability but are not otherwise eligible academically; and

WHEREAS, The Coordinating Council for Higher Education has urged the university and the state colleges to provide all available studies and give all possible assistance to the State Board and Department of Education, and indirectly to the school districts to enable them, in the long range, to provide such educational assistance and motivation as will reduce cultural disadvantages to a minimum; and

WHEREAS, The junior colleges should play a particularly important role in this effort, share in such support, and cooperate with the four-year institutions in transfer cases; and

WHEREAS, The Legislature recognizes that such programs should be developed or expanded in accordance with sound academic criteria; and

WHEREAS, The Legislature also recognizes that the solution of this problem is not possible solely in educational terms, but that educational institutions must do their share by appropriate efforts; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in order to further the best interests of the state, the Legislature hereby declares its intent that the University of California and the California State Colleges shall, at their discretion and without reference to existing admissions standards or exceptions procedures, admit disadvantaged students who have collegiate ability but who do not meet regular admission requirements, up to a number equivalent to 2 percent of entering freshmen admissions, systemwide, in the case of beginning college students, and up to a number equivalent to 2 percent of applications of students seeking to transfer with less than 56 units, systemwide, provided that the students so admitted participate in a program established to assist them at a state college or a university campus; and be it further

Resolved, That the Coordinating Council for Higher Education report annually to the Legislature, not later than the fifth legislative day each session of the Legislature, concerning the implementation of the special programs it has urged the university and the colleges to undertake, and providing an evaluation of the effectiveness thereof, together with its recommendations for continuation and improvement of such programs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Regents of the University of California, the Trustees of the California State Colleges, the Board of Governors of the California Community Colleges, and the Coordinating Council for Higher Education.

RESOLUTION CHAPTER 158

Assembly Concurrent Resolution No. 82—Relative to job training and employment for returning Vietnam veterans.

[Filed with Secretary of State July 8, 1968.]

WHEREAS, The armed forces of the United States presently discharge approximately 60,000 veterans of the Vietnam conflict each year and return these men to the civilian economy, many in California; and

WHEREAS, Many of these veterans lack sufficient education, skills, and experience in the labor market to find suitable and immediate civilian employment; and

WHEREAS, The Department of Defense has estimated that approximately 5.5 percent of these returning veterans are members of minority races and especially in need of immediate

suitable employment after they have risked their lives in service of their country; and

WHEREAS, The Department of Defense is now developing "Project Transition," designed to assist semiskilled soldiers and sailors about to be discharged to find job training and employment upon their return to the United States; and

WHEREAS, Through "Project Transition" the Department of Defense has entered into an agreement with the Los Angeles Police Department and other local agencies within California to train and employ returning Vietnam veterans; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Personnel Board of the State of California is hereby requested to reexamine its training policies within state service in light of "Project Transition," and to cooperate with the Department of Defense in assisting returning Vietnam veterans to find positions in state government for which they are, or may be, qualified; and be it further

Resolved, That all county and local governmental agencies in the State of California are urged to contact the Department of Defense and to communicate their manpower needs to that agency so that returning veterans may be directed to those agencies for training and employment purposes; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the chairman of the State Personnel Board, the chairman of each county board of supervisors, and to the Secretary of Defense.

RESOLUTION CHAPTER 159

Assembly Concurrent Resolution No. 126—Relative to the 100th anniversary of the Santa Fe Railroad.

[Filed with Secretary of State July 8, 1968]

WHEREAS, The City of Richmond is today the western terminus of a railroad which began on October 30, 1868, with the turning of a shovelful of earth near Topeka, Kansas, and which became the Atchison, Topeka, and Santa Fe Railway Corporation; and

WHEREAS, The Santa Fe's first train, the Wakarusa Picnic Special, rolled out of Topeka on April 26, 1869, and traveled the length of the railroad's seven miles of track; and

WHEREAS, From these modest beginnings, Santa Fe grew with the West, helping establish and nurture colonies of farmers, extending its lines ever towards the Pacific Coast; and

WHEREAS, Within 20 years, the tiny Santa Fe stretched from the Pacific Coast, to the Gulf of Mexico, to Lake Michigan; and

WHEREAS, The State of California and the Santa Fe have been partners in growth for the past 100 years and look forward to continued growth and expansion in the years to come; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members congratulate the Santa Fe on 100 years of growth and service and express the wish that the second century of progress of the Santa Fe be as beneficial for all as the first and that its growth will continue with the growth of the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit suitably prepared copies of this resolution to Ernest S. Marsh, Chairman and Chief Executive Officer of the Santa Fe, to John S. Reed, President of the Santa Fe, to Robert W. Walker, Vice President of the Santa Fe, and to the Richmond depot of the Santa Fe.

RESOLUTION CHAPTER 160

Assembly Concurrent Resolution No. 133—Relative to ringing of bells on the Fourth of July.

[Filed with Secretary of State July 8, 1968.]

WHEREAS, The tolling of the Liberty Bell at Independence Hall, Philadelphia, Pennsylvania, at 2 o'clock in the afternoon of the Fourth of July, 1776, proclaimed the signing of the Declaration of Independence; and

WHEREAS, The adoption of this historic document marked the birth of our country as a free and independent nation; and

WHEREAS, It is fitting that the anniversary of this great event should be appropriately observed in each year at the same moment throughout the nation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to proclaim that the anniversary of the signing of the Declaration of Independence should be observed by ringing of bells throughout the state at the hour of 11 o'clock in the morning of the Fourth of July and that civic and community leaders in the state be urged to take appropriate steps to encourage public participation in such observance; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 161

Assembly Concurrent Resolution No. 139—Relative to the retirement of Howard W. Crooke.

[Filed with Secretary of State July 8, 1968]

WHEREAS, It has come to the attention of the members that Mr. Howard W. Crooke, who has served as secretary-manager of the Orange County Water District continuously since September 1953 and has made an outstanding contribution to the field of water resources development in this state, will retire on August 1, 1968; and

WHEREAS, Due largely to Mr. Crooke's ability and energy, the ground water management program of the Orange County Water District is a highly successful program which has gained recognition by experts in the field of water management, as well as by the general public throughout the State of California, and has been the prototype for replenishment programs in other areas; and

WHEREAS, Mr. Crooke has been instrumental in the preparation of important studies to determine the feasibility of constructing barriers to prevent sea water intrusion along the Orange County coastline, which have enabled the district to make significant progress in the construction of a coastal barrier system, and in the conduct of research on wastewater reclamation as a source of water for barrier operation and ground water replenishment, thereby greatly increasing available knowledge in that field; and

WHEREAS, Mr. Crooke has long devoted himself to the solution of critical water problems on the local, state, and national level, and has served on numerous committees concerned with water supply problems, has frequently testified before state and federal legislative committees, and has actively worked with such committees and various state agencies in the practical application of ground water management; and

WHEREAS, Mr. Crooke has been a member of the executive committee of the Southern California Water Conference since its formation in 1956; and

WHEREAS, Mr. Crooke was appointed, in 1956, to the Governor's Committee on Water Problems of the State of California, served under a minute order appointment as adviser on water matters to the Orange County Board of Supervisors and was appointed for a three-year term, commencing in September 1966, to the advisory council of the University of California Water Resources Committee; and

WHEREAS, Mr. Crooke has participated in various symposiums and has appeared before, and presented papers to, numerous organizations working toward the solution of water problems locally and throughout the state, including the American Society of Civil Engineers, the California Section of the American Water Works Association, the Irrigation Districts

Association of California, Town Hall of Los Angeles and the Commonwealth Club of California; and

WHEREAS, Mr. Crooke has served two terms as president of the Associated Chambers of Commerce of Orange County, is a member of the Orange County Farm Bureau, the Irrigation Districts Association of California, the Colorado River Water Users Association, the National Reclamation Association, the Commonwealth Club of California and a longtime member of the Lions International; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend Mr. Howard W. Crooke on the occasion of his retirement as secretary-manager of the Orange County Water District for his outstanding contribution to water development in this state and for his untiring efforts in seeking solutions to the many and varied water problems of Orange County and the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Mr. Howard W. Crooke.

RESOLUTION CHAPTER 162

Assembly Concurrent Resolution No. 141—Approving the amendments to the Charter of the County of Alameda voted for and ratified by the electors of said county at an election held therein on the fourth day of June, 1968.

[Filed with Secretary of State July 8, 1968.]

WHEREAS, The County of Alameda, State of California, has at all times herein mentioned been and now is a body politic and corporate and is now and has been since the 18th day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the second day of November, 1926, and approved by the Legislature of the State of California on the 18th day of January, 1927, and filed in the office of the Secretary of State on the 18th day of January, 1927 (Stats. 1927 pp. 2029); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to said charter set out in the certificate of the Chairman of the Board of Supervisors and the County Clerk of the County of Alameda, to wit:

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN

AMENDMENTS TO THE CHARTER OF SAID COUNTY OF ALAMEDA, SUBMITTED TO THE QUALIFIED ELECTORS OF THE SAID COUNTY OF ALAMEDA ON THE 4TH DAY OF JUNE, 1968.

Preamble

Be it known that:

WHEREAS, the County of Alameda, State of California, has at all times mentioned herein been and now is a body politic of the State of California, and is now and has been since the 18th day of January, 1927, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 2nd day of November, 1926, and approved by the Legislature of the State of California on the 18th day of January, 1927, and filed in the Office of the Secretary of State on the 18th day of January, 1927, (Stats. 1927, pp. 2029); and

WHEREAS, the Board of Supervisors, pursuant to the provisions of Section 7½ of Article XI of the Constitution of the State of California, by its Resolution No. 124728, adopted March 26, 1968, duly proposed and ordered submitted to the qualified electors of said County of Alameda at the election to be held in said County on the 4th day of June, 1968, proposed amendments to the Charter of the County of Alameda, and by its Resolution No. 124729, adopted March 26, 1968, duly ordered that said proposals should be published for ten times in the Oakland Tribune, a daily newspaper of general circulation, printed, published and circulated in said County of Alameda, which said proposals were set forth in full and at length, and were, and are, in words and figures hereinafter set forth; and

WHEREAS, thereafter the said proposed amendments to the Charter of said County of Alameda were duly published in full and at length in said newspaper for ten times and on the following dates, to wit: April 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24, 1968, and said election at which said proposals were submitted to the vote of qualified electors of said County was not less than thirty (30) days nor more than sixty (60) days after publication of said proposals as aforesaid; and

WHEREAS, subsequent to the adoption of Resolution No. 124728 and Resolution No. 124729 above mentioned, said Board of Supervisors by Resolution No. 124725 adopted March 26, 1968, duly prescribed the form and titles to be printed on the election ballot to be used at said election on June 4, 1968, for the submission of said proposals, which said form and title is hereinafter set forth, and in which said form and under which said title said proposals appeared on said ballot; and

WHEREAS, at said election said proposals were duly submitted to the vote of the qualified electors of said County and

appeared on the ballot at said election in the following form, to wit:

Amendments to the Charter of the County of Alameda

A Shall Section 33 of the Charter of the County of Alameda be amended to increase from three to five the members of the Civil Service Commission and to reduce from six to five years the terms of members appointed after the effective date hereof?	YES	
	NO	
B Shall Section 18 of the Charter of the County of Alameda be amended to place the Probation Officer in the classified Civil Service and to require that appointment by the Juvenile Court Judge follow a competitive Civil Service examination?	YES	
	NO	
C Shall Section 14 of the Charter of the County of Alameda, requiring a four-fifths vote of the Board of Supervisors and approval by the electorate of ordinances for the purchase of annuities or insurance for County employees, be repealed?	YES	
	NO	

and

WHEREAS, said ballot contained all matters and things required by law to be stated and contained thereon, and said ballot in all respects duly complied with law; and said proposals were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, returns of said special county election held in the County of Alameda on the 4th day of June, 1968, at which said election said proposals were duly submitted to the vote of the qualified electors of said County, were made to and canvassed by the County Clerk of the County of Alameda, who is duly authorized, and said County Clerk did certify the same to the Board of Supervisors of said County, and the Clerk of said Board of Supervisors duly entered on the records of said Board of Supervisors a statement of the results of said canvass and said election; and

WHEREAS, a majority of the qualified electors voting thereon at said election voted in favor of the adoption of proposed Amendment A, amending Section 33 of the Charter of the

County of Alameda, and proposed Amendment B, amending Section 18 of the Charter of the County of Alameda; and

WHEREAS, said amendments so ratified by the electors of said County of Alameda at said election held on June 4th, 1968, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California;

NOW, THEREFORE, the undersigned Robert E. Hannon, Chairman of the Board of Supervisors of the County of Alameda, State of California, Jack G. Blue, County Clerk and Jack K. Pool, Clerk of the Board of Supervisors of the County of Alameda, State of California, authenticating their signatures with the official seal of the said Board of Supervisors of the County of Alameda, do hereby certify that said amendments to said Charter of said County so ratified by the majority of the electors voting thereon at said election held on the 4th day of June, 1968, as submitted to said electors are in words and figures as follows, and are and shall, if so approved by said Legislature, be in the words and figures following, to wit:

First Proposal

To Amend the Civil Service Provisions of the Charter of the County of Alameda to Increase From Three to Five the Members of the Civil Service Commission and to Reduce From Six to Five Years the Terms of Members Appointed After the Effective Date Thereof, by Amending Section 33 of Said Charter,

to read as follows, to wit:

"Section 33: The Civil Service Commission, heretofore created, shall consist of five electors of the County, each of whom shall have been a resident of the County for five years next preceding his appointment, and his name shall be on the county assessment roll at the time thereof. The Board of Supervisors shall, within thirty days after the ratification of this Section, appoint two electors of the County as members of the Commission, to take office as soon as appointed and qualified, one to serve until the first Monday after the first day of January, 1970, and one to serve until the first Monday after the first day of January, 1972. If this amendment is ratified after the first Monday after the first day in January, 1969, then the Board of Supervisors shall appoint one of the new Commissioners to serve until the first Monday after the first day in January, 1974. The terms of Commissioners incumbent at the time of ratification hereof are continued to the expiration of their six year terms.

"Upon the expiration of the term of any Commissioner, the Board of Supervisors shall appoint his successor for a term of five years. Any vacancy in the office of Commissioner shall be filled by the Board of Supervisors for the unexpired term. Each Commissioner shall serve until the first Monday after the first day of January of the fifth year following his appointment, or until his successor is appointed and qualified. No Commissioner shall hold any other salaried County office.

"The Board of Supervisors by a four-fifths vote of all the members, may remove a Commissioner during his term of office, but only upon stating in writing the reasons for such removal, and allowing him an opportunity to be publicly heard in his own defense. The Commission shall elect one of its members President."

Second Proposal

To Amend Section 18 of the Charter of the County of Alameda by Amendment to Place the Probation Officer in the Classified Civil Service, and to Require That His Appointment by the Juvenile Court Judge Follow a Competitive Civil Service Examination,

by amending Section 18 of said Charter, to read as follows, to wit:

"Section 18: The Members of the Juvenile Justice Commission and the Members of the Law Library Trustees shall be appointed in the manner and for the terms now or hereafter provided by general law. The Probation Officer shall be appointed by the Juvenile Court Judge on nomination by the Juvenile Justice Commission. Any nomination of a candidate or candidates by the Juvenile Justice Commission shall be made from a list of persons certified by the Civil Service Commission following a Civil Service examination. The first such regular appointment to the position of Probation Officer shall be from a list of candidates who shall have qualified by an open competitive examination."

We hereby certify that the facts set forth in the Preamble of this certificate preceding said amendments to said Charter are, and each of them is, true; and for and on behalf of said County of Alameda we, being duly authorized, do hereby request the Legislature of the State of California to approve said amendments to said Charter, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

In witness whereof, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of the

County of Alameda, State of California, this 20th day of June, 1968.

ROBERT E. HANNON
(SEAL) Chairman of the Board of Supervisors of the County of Alameda, State of California.
JACK G. BLUE
County Clerk of the County of Alameda, State of California.

Attest:
JACK K. POOL
Clerk of the Board of Supervisors of the County of Alameda, State of California.

and

WHEREAS, Said proposed amendments to the Charter of the County of Alameda, so ratified by the majority of the electors voting thereon at the election held on the fourth day of June, 1968, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the Charter of the County of Alameda, as presented to, adopted and ratified by the electors of the said County of Alameda and as hereinabove fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, and as an amendment to and as a part of the Charter of the County of Alameda.

RESOLUTION CHAPTER 163

Assembly Concurrent Resolution No. 143—Approving amendments to the Charter of the City of Palo Alto, County of Santa Clara, State of California, ratified by the electors of said city at an election consolidated with the 1968 direct primary election held in said city on the fourth day of June, 1968.

[Filed with Secretary of State July 8, 1968]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of five amendments to the Charter of the City of Palo Alto, a municipal corporation, in the County of Santa Clara, State of California, as set forth in

the certificate of the mayor and city clerk of said city as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PALO ALTO OF CHARTER AMENDMENTS

State of California }
County of Santa Clara } ss:
City of Palo Alto }

We, the undersigned, Frances K. Dias, Mayor of the City of Palo Alto and presiding officer of the Council of the City of Palo Alto, and Jacqueline C. Klamm, City Clerk and clerk of the Council of said city, do hereby certify and declare as follows:

That the City of Palo Alto, a municipal corporation, in the County of Santa Clara, State of California, contains a population of over 50,000 inhabitants and ever since the year 1909 has been and is now organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 21st day of January, 1909 and approved by the Legislature of the State of California by a concurrent resolution thereof filed with the Secretary of State on the 20th day of February, 1909 (Stats. 1909, page 1175); and

That the Council of the City of Palo Alto as the legislative body of said city, did by Resolution No. 4107, duly adopted pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California, submit on its own motion to the qualified electors of said City of Palo Alto at the 1968 direct primary election five proposed amendments to the Charter of the City of Palo Alto; and

That said proposed charter amendments were on April 22, 1968, being not less than forty days nor more than sixty days before said election, published in the Palo Alto Times, the official newspaper of said city and a newspaper of general circulation therein, and in each edition thereof during said day of publication, and said proposed amendments were printed in convenient pamphlet form and in type of not less than ten-point and copies thereof were mailed to each of the qualified electors of said city, and until the day fixed for the election upon said amendments it was advertised in said newspaper that the copies thereof could be had upon application therefor at the office of the City Clerk of said city; and

That said proposed amendments were duly and regularly submitted to the qualified electors of the City of Palo Alto in the manner provided in Section 8 of Article XI of the Constitution of the State of California and that said election consolidated with the 1968 direct primary election, after due

notice given and published, was duly and regularly held in the City of Palo Alto on June 4, 1968; and

That the returns of said election were canvassed and it was duly found, determined and declared that the amendments to the Charter of the City of Palo Alto hereinafter set forth were ratified by a majority of the electors of said city voting thereon; and

That the Council of said city did by its Resolution No. 4133 adopted June 17, 1968, duly declare the results of said election as determined by the canvass of the returns thereof; and

That as to said charter amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith; and

That said amendments to the Charter of the City of Palo Alto are as follows:

(a) Section 9 of Article III is amended by deleting therefrom the word "assessor", so that said section shall read as follows:

"Sec. 9. Officers appointed by council; boards and commissions The council shall appoint a city manager, clerk, attorney, and controller, and, except as otherwise provided, may by ordinance create or abolish offices, boards or commissions, and provide for their manner of appointment, their tenure, and the duties which they shall perform."

(b) Section 11 of Article III is amended by deleting therefrom the following sentence: "The council shall by ordinance provide for the assessment, levy, and collection of taxes, and shall act as a board of equalization in equalizing the value of property listed upon the assessment roll." and substituting the following sentence therefor: "The council shall by ordinance provide for the assessment of city property for city taxes, the equalization and correction of the assessment, the collection, payment, and enforcement of the taxes, including delinquent taxes, and the redemption of property from sale or other penalty for nonpayment of city taxes." so that said section shall read as follows:

"Sec. 11. Levy of taxes; rate; increase in levy. The council shall by ordinance provide for the assessment of city property for city taxes, the equalization and correction of the assessment, the collection, payment and enforcement of the taxes, including delinquent taxes, and the redemption of property from sale or other penalty for nonpayment of city taxes. On or before September first in each year, it shall levy such tax as may be necessary to raise revenue for the maintenance and operation of the City and the several departments during the fiscal year, but such tax levy for all municipal purposes, except for the payment of interest and principal of the bonded debt and the contribution of the city to employees' retirement, shall not exceed the sum of one hundred twenty-five cents

upon each one hundred dollars of assessed valuation as the same appears upon the assessment roll. If in the judgment of a majority of the council it should be necessary to provide a revenue in excess of the sum realized from the levy herein provided, the question of the levy of an additional property tax shall be submitted to the electors, and a special election may be held for that purpose. The additional sum or rate required to be raised by such additional tax levy shall be expressed upon the ballot. If a majority of the votes cast upon such proposition shall be in favor of authorizing the council to levy such additional rate, then the council may levy the additional tax so authorized for one fiscal year only."

(c) Section 1 of Article IV is amended by deleting therefrom the word "assessor", so that said section shall read as follows:

"Sec. 1. Council appointed officers. The Council shall appoint the city manager, clerk, attorney and controller, who shall serve at its pleasure."

(d) Section 12 of Article IV is amended by deleting therefrom the words "assessor" and "police judge", so that said section shall read as follows:

"Sec. 12. Duties of appointive officers. The duties of the city clerk, attorney and controller shall be those normally exercised by such officers as provided in this charter and in the administrative code; provided, however, that the controller shall in addition have full charge of all accounting and billing in all departments, recommend the form in which the budget is to be adopted, and interpret the intent of the appropriations."

(e) Section 5 of Article VII, which reads as follows, is deleted in its entirety:

"Sec. 5. Effective date of tax liens. Liens for taxes levied shall attach to the property charged therewith on the first Monday in March at twelve o'clock M."

In witness whereof, we have hereunto set our hands and caused the seal of the City of Palo Alto to be affixed hereto this 20th day of June, 1968.

(SEAL)

FRANCES K. DIAS
Mayor of the City of Palo Alto
JACQUELINE C. KLAMM
City Clerk of the City of Palo Alto

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Palo Alto as proposed to, adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the Charter of the City of Palo Alto.

RESOLUTION CHAPTER 164

Assembly Concurrent Resolution No. 144—Relative to E Clampus Vitus Day.

[Filed with Secretary of State July 8, 1968]

WHEREAS, The Ancient and Honorable Order of E Clampus Vitus is an essential and vital component in the development of the State of California; and

WHEREAS, The Brethren of the Mines are ready and willing to assist in the further development of this great state; and

WHEREAS, The California Exposition, the official "Showcase of our Golden State" is to become essential and vital in the development of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge Governor Ronald Reagan to proclaim July 6, 1968, as E Clampus Vitus Day throughout the state and especially within the realm of Clamperdom in order that the Dumbellican Brotherhood of the Mines may hearken to the braying of the Hewgag and gather on the grounds of the California Exposition to pay homage to, and consecrate, such grounds; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Reagan.

RESOLUTION CHAPTER 165

Assembly Concurrent Resolution No. 145—Relative to the Gold Rush community of Columbia as the honorary State Capitol for July 4, 1968.

[Filed with Secretary of State July 8, 1968]

WHEREAS, Columbia, once known as the Gem of the Southern Mines, has long been recognized as truly representative of our country's most colorful era—the California Gold Rush of the 1800s; and

WHEREAS, Its indomitable spirit has guaranteed it a place forever in American history, both as a state historic park and a national historic landmark; and

WHEREAS, Its robust and courageous founders saw fit to name it Columbia in honor of our nation's most beloved symbol of liberty and justice; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the members designate the Gold Rush community of Columbia as honorary State Capitol for the day of July 4, 1968.

RESOLUTION CHAPTER 166

Assembly Concurrent Resolution No. 147—Approving amendments to the Charter of the City of Sunnyvale, County of Santa Clara, State of California, ratified by the qualified electors of the city at an election held therein on the fourth day of June, 1968.

[Filed with Secretary of State July 8, 1968.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the Charter of the City of Sunnyvale, a municipal corporation in the County of Santa Clara, State of California as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SUNNYVALE OF THIRTY-NINE CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF SUNNYVALE

State of California }
County of Santa Clara } ss.
City of Sunnyvale }

We, the undersigned, Richard D. Hayden, Mayor of the City of Sunnyvale, and John E. Dever, City Clerk of the City of Sunnyvale, do hereby certify and declare as follows:

That the City of Sunnyvale, a municipal corporation in the County of Santa Clara, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500) and in excess of fifty thousand (50,000) inhabitants, and ever since the 7th day of June, 1949, has been and is now organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City of Sunnyvale at an election held for that purpose on the 10th day of May, 1949, and approved by the Legislature of the State of California by concurrent resolution on June 2, 1949, and filed with the Secretary of State on June 7, 1949.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Sunnyvale, on its own motion, by its Resolution numbered 8393, adopted on March 5, 1968, duly and regularly submitted to the qualified electors of said City of Sunnyvale thirty-nine certain proposals to amend the Charter of the City of Sunnyvale and to be voted upon by said qualified electors at a special municipal charter amendment election by said Resolution called for said purpose in said City on the 4th day of June, 1968, and consolidated with the State of California Primary Election to be held in said City on said 4th day of June, 1968.

That said proposals were published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 12th day of April, 1968, in the Standard Register Leader, a newspaper of general circulation published in the City of Sunnyvale, and in each edition thereof during said day of publication.

That said special municipal charter amendment election consolidated with the State of California Primary Election was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 4th day of June, 1968, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposals in said Standard Register Leader.

That printed copies of said proposal were caused to be mailed to each of the qualified electors of the City of Sunnyvale being a city with over 50,000 population, in accordance with and in the form and manner required in Section 8 of Article XI of the Constitution of the State of California, and a notice that copies of said proposal might be had upon application therefor was advertised in the Standard Register Leader, a newspaper of general circulation published in the City of Sunnyvale on March 8, 1968, and continuing until the 4th day of June, 1968, being the day fixed for the Special Municipal Charter Amendment Election consolidated with the State of California Primary Election.

That the last day to submit arguments for or against the said proposals for printing and distribution to the electors was fixed as the 12th day of April, 1968, by the City Clerk, and notice of the last day to submit arguments was published and advertised in the Standard Register Leader on the 8th day of March, 1968; that one argument was submitted in favor of each of the proposals and was printed and distributed to the electors in accordance with the provisions of the Elections Code of California, and no argument was submitted in opposition to the proposals, or to any of them.

That the Board of Supervisors of the County of Santa Clara in its resolution adopted on the 1st day of April, 1968, ordering consolidation of the Special Municipal Charter Amend-

ment Election with the State of California Primary Election, directed the Registrar of Voters of the County of Santa Clara to canvass the returns of the Special Municipal Charter Amendment Election and to report the returns of such municipal election when canvassed to the City Council of the City of Sunnyvale.

That the Registrar of Voters of the County of Santa Clara did, in the manner provided by law, duly and regularly canvass all ballots cast at said Special Municipal Charter Amendment Election consolidated with the State of California Primary Election, as aforesaid, and did, duly find and declare and report to the City of Sunnyvale on June 6, 1968, that a majority of the qualified electors voting on each of the said proposals voted in favor thereof and that all of said proposals to amend the Charter of said City were ratified.

That a majority of the qualified voters voting on each of said proposals voted in favor of the ratification of and did ratify said proposals to amend said Charter of said City.

That said Charter amendments so ratified by the majority of the qualified electors of said City voting at said Special Municipal Charter Amendment Election are in words and figures following, to wit:

1. By amending Section 400 of Article IV thereof, to read as follows:

"Section 400. Powers of the City. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges, including proprietary powers, heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California, including all powers not in conflict with the provisions of this Charter now or hereafter granted to cities organized under the General Law of the State of California.

The enumeration in this Charter of any particular power shall not be held to be exclusive of or any limitation upon this general grant of power."

2. By amending Section 700 of Article VII thereof, to read as follows:

"Section 700. Term and Election. Each member of the City Council shall be elected from the City at large at the General Municipal Election for a term of four (4) years from and after the third Tuesday of April next following his election, and until his successor is elected and qualified.

The office of each member of the Council is a separate elective office to be separately filled at any election.

No person shall be a candidate for more than one elective office.

No incumbent member of the Council shall be a candidate for a Council seat other than the one which that person then holds.

The person receiving the highest number of all the votes cast for a particular elective office at any election shall be deemed and declared elected to that particular office.

Prior to the General Municipal Election in 1969, the City Council by resolution duly adopted shall designate each Council seat as a separate elective office in the following language: "Councilman, Seat No. __" and by assigning a number from 1 to 7, respectively, to each seat. The designation given to each elective office thereafter shall be used in all elections, nomination papers, certificates of election, and all other papers pertaining to each such office, and to designate incumbancy of each such office.

The first election at which members of the Council shall be elected pursuant to this section shall be the General Municipal Election held in the year 1969. At such election persons shall be elected to fill the seats of the three members of the Council whose terms expire on the third Tuesday of April, 1969 At the General Municipal Election held in 1971, persons shall be elected to fill the seats of the four members of the Council whose terms expire on the third Tuesday of April, 1971. Thereafter, at each General Municipal Election, successors shall be elected to fill the seats of the members of the Council whose terms expire on the third Tuesday of April in the year of such election."

3. By amending Section 800 of Article VIII thereof, to read as follows:

"Section 800. Appointment. The City Manager shall be chosen by the City Council on the basis of his executive and administrative qualifications, but need not be a resident of the City or State at the time of his appointment, but he shall reside within the City during his tenure of office. No City Councilman shall receive such an appointment during the term for which he shall have been elected, nor within two years thereafter."

4. By amending Section 806 of Article VIII thereof, to read as follows:

"Section 806. Removal of the City Manager. The City Council shall appoint the City Manager for an indefinite term and may remove him by a majority vote of its members."

5. By amending Section 807 of Article VIII thereof, to read as follows:

"Section 807. Prohibition Against Councilmanic Interference. Neither the City Council nor any of its members shall order or request directly or indirectly the appointment of any person to an office or employment or his removal therefrom, by the City Manager, or by any of the department heads in the administrative service of the City. The City Council and its members shall deal with officers and employees in the adminis-

trative service under the jurisdiction of the City Manager solely through the City Manager except:

1. For a specific question from a member of the Council concerning a matter either pending before the Council or which the member intends to present to the Council, and which can be answered by furnishing routine information immediately available from the records of the officer or employee to whom it is directed, and which does not require the officer or employee either to discuss or express any opinion concerning any existing or proposed policy of the Council or the City Manager; or

2. In connection with an investigation into the affairs of the City or the conduct of any City Department or office which the City Council by the affirmative vote of at least four of its members has undertaken.

In order to conduct such an investigation, the Council may do any of the following:

(a) Instruct or grant permission to any one or more of its members to discuss with an officer or employee any matters which the member or members to whom permission is granted or who are so instructed believe to be pertinent or relevant to the subject of the investigation;

(b) Subpoena witnesses;

(c) Administer oaths;

(d) Take testimony; or

(e) Require the production of evidence.

Any City Councilman violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to be a Councilman."

6 By amending Section 900 of Article IX thereof, to read as follows:

"Section 900. Officers To Be Appointed By The City Council. In addition to the City Manager, the City Council shall appoint the City Attorney. The City Council also shall appoint any Assistant or Deputy City Attorney following consideration of any recommendation of the City Attorney concerning the person or persons proposed to be appointed

The City Attorney, and any Assistant or Deputy City Attorney, shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by at least four affirmative votes.

All other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager."

7. By amending Section 901 of Article IX thereof, to read as follows:

"Section 901. Other Appointive Officers. The City Council may provide by ordinance for the creation or abolishment or reorganization of city departments or offices on the advice and recommendation of the City Manager. Each department

shall be headed by an officer as department head who shall be appointed by the City Manager."

8. By amending Section 903 of Article IX thereof, to read as follows:

"Section 903. City Clerk. Powers and Duties. The City Clerk shall have the power and be required to:

(a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose;

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter;

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds;

(d) Keep all aforementioned books properly indexed and open to public inspection when not in actual use;

(e) Be the custodian of the seal of the City;

(f) Administer oaths or affirmations, take affidavits, and depositions pertaining to the affairs and business of the City, and certify copies of official records; and

(g) Have charge of all City elections."

9. By adding a new Section 904 to Article IX thereof, to read as follows:

"Section 904. Functions and Services. Following consideration of the recommendations of the City Manager, the City Council, by ordinance or resolution not inconsistent with this Charter, may provide for the administration of

(a) the financial affairs of the City;

(b) matters relating to the public works and utilities, parks, playgrounds and other properties of the City; and

(c) inspection and regulation of building and related construction;

the furnishing of police and fire protection and services; together with the operation of other functions and performance of other duties of the City, its officers and employees."

10. By amending subsections (b) and (f) of Section 908 of Article IX thereof and by adding subsection (h) to Section 908, respectively, to read as follows:

"Section 908. City Attorney.

. . . .

The City Attorney shall have power and be required to.

. . . .

(b) Represent and appear for the City, its Council, boards and commissions, in any or all legal actions or proceedings in which they or any of them are concerned or are a party.

Upon request of a current or former officer or employee of the City, defend such officer or employee in any legal action or

proceeding brought against him, in his official or individual capacity, or both, on account of an act or omission in the scope of his employment as an officer or employee of the City, whenever the City is required by the General Laws of the State of California to provide such defense or whenever the Council elects to provide such defense even though not required to so do. Provided, however, that the City Attorney may refuse to provide such defense whenever, in his opinion, his providing such defense would conflict with his other duties or responsibilities, in which event the City, if required by the General Laws of the State of California to provide such defense or if it elects to provide such defense though not required by the General Laws to do so, shall provide other legal counsel for such purpose.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter, or to assist the City Attorney therein.

. . . .

(f) Prosecute on behalf of the people all criminal cases for violation of this Charter and of City ordinances; and

. . . .

(h) Perform such other legal functions and duties incident to the execution of the foregoing powers as may be necessary, and perform such other legal services as may be required by the City Council."

11. By amending Section 909 of Article IX thereof, to read as follows:

"Section 909. Official Bonds The City Council shall fix by ordinance the nature, amounts and terms of the official bonds of all officers or employees who are required by ordinance to give such bonds. Provided, however, that all officers and employees having custody or control of public funds shall be required to be bonded.

All bonds shall be executed by responsible corporate surety, and shall be approved as to form by the City Attorney, and shall be filed with the officer designated by ordinance. Premiums on official bonds shall be paid by the City A blanket bond may be used if it provides the same protection as separate bonds which may be required would provide.

In all cases wherein an officer or employee of the City is required to furnish a faithful performance bond there shall be no personal liability upon, or any right to recover against his superior officer or other officer or employee, or on the bond of the latter, for any wrongful act or omission of the former, unless such superior officer, or other officer or employee was a party to, or conspired in, such wrongful act or omission."

12. By amending Section 1004 of Article X thereof, to read as follows:

"Section 1004. Meetings. Chairman. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of

its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by resolution of the City Council, and such special meetings as it may require. All meetings shall be open and public."

13. By amending Section 1007 of Article X thereof, to read as follows:

"Section 1007. Personnel Board. There shall be a Personnel Board consisting of five members to be appointed by the City Council from the qualified electors of the City. To be eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position and shall not be an officer of any local, state, or national partisan political club or organization.

The members of the Personnel Board shall be selected and appointed in the following manner: three of the members shall be appointed by the City Council directly. Two of the members shall be appointed by the City Council from a list of five persons to be nominated by election of the employees in the Classified Service.

The successor of any member of the Board shall be appointed in the same manner as such member was appointed.

The term of each member in office when this section becomes effective shall end on June 30, 1968."

14. By amending Section 1009 of Article X thereof, to read as follows:

"Section 1009. Planning Commission. There shall be a City Planning Commission consisting of seven members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government, except that the City Manager, or his designated representative, shall serve as an ex-officio member of the Commission."

15. By amending Section 1010 of Article X thereof, to read as follows:

"Section 1010. Planning Commission. Powers and Duties. The Planning Commission shall have power and be required to:

(a) After a public hearing thereon, recommend to the City Council the adoption, amendment, or repeal of Master, General, or Precise Plans, or any part thereof, for the physical development of the City;

(b) Exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance; and

(c) Exercise such other functions as now or may be hereafter authorized by the provisions of Title 7 entitled "Planning" of the Government Code of California, or as hereafter amended or added to, insofar as they do not conflict with the provisions of this Charter."

16. By amending Section 1012 of Article X thereof, to read as follows:

"Section 1012. Parks and Recreation Commission. Powers and Duties The Parks and Recreation Commission shall have power to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation, playgrounds and entertainment;

and

(b) Review the annual budget of the Parks and Recreation Department prepared by the City Manager, and make recommendations concerning the budget to the City Council."

17. By amending Section 1013 of Article X thereof, to read as follows:

"Section 1013. Board of Library Trustees. There shall be a Board of Library Trustees consisting of five members to be appointed by the City Council from the qualified electors of the City. No member of the Board shall hold any paid office or employment in the City government.

The term of each member in office when this section becomes effective shall end on June 30, 1968."

18. By amending Section 1014 of Article X thereof, to read as follows:

"Section 1014. Board of Library Trustees. Powers and Duties. The Board of Library Trustees shall have power to:

(a) Act in an advisory capacity to the City Council and City Librarian in all matters pertaining to the City Library;

(b) Review the annual budget of the City Library prepared by the City Manager, and make recommendations concerning the budget to the City Council; and

(c) Exercise such other functions as now or hereafter may be prescribed by the City Council and which do not conflict with the provisions of this Charter."

19. By amending subsection (a) of Section 1101 of Article XI thereof, to read as follows:

"Section 1101. Classified Service. The Civil Service of the City shall be divided into the Unclassified and the Classified Service

(a) The Unclassified Service shall comprise the following offices and positions:

(1) All elective officers;

(2) City Manager;

(3) City Attorney and any Assistant or Deputy City Attorney;

(4) The head of each department;

(5) All members of boards and commissions;

(6) Persons employed as unskilled laborers;

(7) Persons employed for a temporary or special purpose during any one calendar year for whatever period of time may be fixed by resolution of the City Council if the City Manager certifies that such employment is temporary and that the work should not be performed by employees in the Classified Service; and

(8) Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character."

20. By amending Section 1301 of Article XIII thereof, to read as follows:

"Section 1301. Annual Budget. Preparation by the City Manager. At such date as he shall determine, the City Manager shall obtain from each office, department or agency of the City, estimates of revenue and expenditures for such office, department or agency, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, shall hold conferences thereon with the head of such office, department or agency, respectively, and may revise the estimates as he may deem advisable."

21. By amending Section 1304 of Article XIII thereof, to read as follows:

"Section 1304. Budget Further Consideration and Adoption. After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable, and on or before June 30 it shall adopt the budget with revisions, if any, by the affirmative vote of at least four members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the City Manager, or his designated representative, and a further copy shall be placed and shall remain on file in the Office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City."

22. By amending Section 1309 of Article XIII thereof, to read as follows:

"Section 1309. Contracts on Public Works. Every project involving an expenditure of more than the amount specified in Section 37902 of the Government Code of the State of California, as the same now exists or may hereafter be amended, for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, shall be let to the lowest responsible bidder after notice of publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

The City Council may reject any and all bids presented and may readvertise in its discretion.

The City Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, and after adoption of a resolution to this effect by at least four affirmative votes it may proceed to have said

work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by motion passed by at least four affirmative votes and containing a declaration of the facts constituting such urgency.

No advertising for bids or awarding of a contract based thereon shall be required when the improvement or work is to be furnished or performed by a public utility subject to the jurisdiction of the California Public Utilities Commission."

23. By amending Section 1314 of Article XIII thereof, to read as follows:

"Section 1314. Claims Against City. Except as otherwise required by the provisions of State law applicable to chartered cities, claims and demands against the City shall be presented and audited as prescribed by ordinance."

24. By amending Section 1316 of Article XIII thereof, to read as follows:

"Section 1316. Actions Against City. No suit shall be brought for money or damages against the City, or any board, commission or officer thereof, on any cause of action for which this Charter or the General Law requires a claim to be presented, until a claim or demand for the same has been presented as provided in any ordinance adopted under Section 1314, and such claim and demand has been rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within forty-five days from the day the same is presented shall be deemed a rejection thereof."

25. By amending Section 1318 of Article XIII thereof, to read as follows:

"Section 1318 Independent Audit. At the beginning of each fiscal year, the City Council shall contract with a Certified Public Accountant who, at least quarterly, shall examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of such other officers, employees, departments or agencies as the City Council may direct At the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, the designated representative of the City Manager, and City Attorney, respectively, and three additional copies to be placed on file in the Office of the City Clerk where they may be available for inspection by the general public."

26. By amending Section 1403 of Article XIV thereof, to read as follows:

"Section 1403. Procedure For Holding Elections. Unless otherwise provided by ordinance hereafter enacted, all municipal elections shall be held in accordance with the provisions of

the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities organized under the General Law of the State of California, insofar as the same are not in conflict with this Charter."

27. By amending Section 1600 of Article XVI thereof, to read as follows:

"Section 1600. Franchises. When Required. No person, firm or corporation shall furnish the City or its inhabitants, or any portion thereof, with

transportation,
communication,
terminal facilities,
wharves,
water,
light,
heat,
electricity,
gas,
power,
refrigeration,
storage,
garbage, waste or refuse removal,
taxicab service,

or any other public utility or service, or use the public streets, ways, alleys or places in the City of Sunnyvale as the same now or may hereafter exist, for any of such purposes, or for the operation of plants, works, or equipment for the furnishing thereof, or traverse any portion of the City for the transmitting or conveying of any such utility or service elsewhere, except insofar as he or it may be entitled to do so by direct authority of the Constitution of the State of California, or the Constitution or laws of the United States, unless he or it shall have obtained a grant of franchise therefor in accordance with the provisions of this Article and in accordance with the procedure prescribed by ordinance.

Nothing in this Article shall be construed to invalidate any lawful franchise heretofore granted nor to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise or spur track permit."

28. By amending Section 1601 of Article XVI thereof, to read as follows:

"Section 1601. Authority to Grant Franchises. The City Council is empowered to grant by ordinance a franchise, and all renewals and amendments thereof, to any person, firm or corporation, whether operating under an existing franchise or not, to furnish the City or its inhabitants, or any portion thereof, with

transportation,
communication,
terminal facilities,

wharves,
water,
light,
heat,
electricity,
gas,
power,
refrigeration,
storage,
garbage, waste or refuse removal,
taxicab service,

or any other public utility or service, or to use the public streets, ways, alleys or places in the City of Sunnyvale as the same now or may hereafter exist, for any of such purposes, or for the operation of plants, works, or equipment for the furnishing thereof, or to traverse any portion of the City for the transmitting or conveying of any such utility or service elsewhere.

Provided, however, that nothing in this Article shall apply to the granting of permits by the City Council to any steam or commercial railroad for the construction of spur or side tracks along or across any street, avenue or highway in the City of Sunnyvale, for the purpose of connecting the facilities of any commercial enterprise with the line of such railroad.

The City Council is further empowered to amend any franchise grant with the consent of the person, firm or corporation to whom it was granted, in accordance with the provisions for amendment which may be provided for in the procedural ordinance or ordinances referred to in Section 1602 of this Charter."

29. By adding Section 1608 to Article XVI thereof, to read as follows:

"Section 1608. Article Not Applicable To City. Preservation of Rights. Nothing contained in this Article shall apply to the City, or to any department thereof, when furnishing any public utility or service.

Nothing contained in this Article shall be construed to affect or impair any rights, powers, or privileges relating to franchises vested in, possessed by, or available to, the City by virtue of previous Charter provisions."

30. By amending Section 1700 of Article XVII thereof, to read as follows:

"Section 1700. Governing Board. The governing board of the school district shall be a City Board of Education."

31. By amending Section 1701 of Article XVII thereof, to read as follows:

"Section 1701. Election or Appointment. The manner in which, the times at which, and the terms for which the members of the governing board of the Sunnyvale School District of Santa Clara County which consists of five members, shall be elected or appointed, their qualifications, compensation and removal shall be as now or hereafter prescribed by the Education

Code of the State of California. The members of the Board of Education in office on the effective date of this section shall continue as such and their terms shall not be affected hereby."

32. By repealing existing Section 904 of Article IX thereof in its entirety. Said Section 904 which is repealed in its entirety, reads as follows:

"Section 904. Director of Finance. There shall be a Department of Finance, the head of which shall be the Director of Finance, who shall be, or be appointed by, the City Manager. The Director of Finance shall have charge of the administration of the financial affairs of the City and he shall have power and be required to:

(a) Compile the budget expense and capital estimates for the City Manager;

(b) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;

(c) Maintain a general accounting system for the City government and each of its offices, departments and agencies; keep books for, prescribe the financial forms to be used by and exercise financial budgetary control over each office, department or agency;

(d) Submit to the City Council, through the City Manager, a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial conditions of the City;

(e) Prepare for the City Manager, as of the end of each fiscal year, a complete financial statement and report;

(f) Audit and approve all bills, invoices, payrolls, demands or charges against the City government before payment and, with the advice of the City Attorney, determine the regularity, legality and correctness of such claims, demands or charges;

(g) Collect all taxes, special assessments, utility charges, license fees and other revenues of the City or for whose collection the City is responsible except as provided in Section 1306, and receive all money receivable by the City from the State or Federal Government, or from any Court, or from any office, department or agency of the City;

(h) Receive and have custody of all moneys receivable by the City from any source;

(i) Deposit all moneys received in such depositaries as may be designated by resolution of the City Council or, if no resolution be adopted, by the City Manager, and in compliance with all the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds; and

(j) Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange.

33. By repealing Section 905 of Article IX thereof in its entirety. Said Section 905 which is repealed in its entirety reads as follows:

"Section 905 Director of Public Works and Utilities. There shall be a Department of Public Works and Utilities, the head of which shall be the Director of Public Works and Utilities, who shall be, or be appointed by, the City Manager. The Director of Public Works and Utilities shall have charge of the administration of all matters pertaining to the public works and utilities of the City and he shall have power and be required to:

(a) Supervise and be responsible for all City engineering work, including the preparation of engineering maps, surveys, and designs, and the construction of all public works and utilities;

(b) Supervise and be responsible for the general care, maintenance, inspection and repair of streets, sidewalks, sewers and storm drains, and related activities;

(c) Supervise and be responsible for the inspection and regulation of building construction and alteration, and enforce all ordinances and laws pertaining thereto;

(d) Supervise and be responsible for the inspection and regulation of plumbing installations, and enforce all ordinances and laws pertaining thereto;

(e) Supervise and be responsible for the maintenance and operation of all public utilities owned and operated by the City, including, but not limited to, the municipal water system; and

(f) Be responsible for the care, improvement, supervision, and management of all parks, playgrounds, and other recreational grounds or facilities, including all properties now or hereafter acquired or set apart for recreational purposes by the City.

(g) On vacating the office, surrender to his successor all maps, plans, field notes and other records and memoranda belonging to the City and pertaining to his office and the work thereof.

To be eligible for appointment as Director of Public Works and Utilities the appointee shall be a Registered Civil Engineer in the State of California."

34 By repealing Section 906 of Article IX thereof in its entirety. Said Section 906 which is repealed in its entirety reads as follows:

"Section 906. Chief of the Police Department. The Chief of Police shall have power and be required to:

(a) Preserve the public peace;

(b) Execute and return all process issued to him by legal authority; and

(c) Exercise all the powers that are now or may hereafter be conferred upon sheriffs and other police officers by the laws of the State."

35. By repealing Section 907 of Article IX thereof in its entirety. Said Section 907 which is repealed in its entirety reads as follows:

"Section 907. Chief of the Fire Department. The Chief of the Fire Department shall have power and be required to:

(a) Supervise all matters relating to the prevention and extinguishing of fires and the protection of all property impaired thereby; and

(b) Make frequent inspection of all property within the City to enforce fire prevention regulations."

36. By repealing Section 1106 of Article XI thereof in its entirety. Said Section 1106 which is repealed in its entirety reads as follows:

"Section 1106. Political Activities Prohibited. No person holding a position in the Classified Service not on an eligible list shall seek or accept election, nomination or appointment as an officer of a political club or organization, nor shall such person take any active part in any municipal political campaign or contribute thereto in behalf of any candidates, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any municipal office. Nothing in this section shall be construed to prevent any such persons from being or becoming a member of a political club or organization, or from attending political meetings, or from enjoying entire freedom from all interference in casting his vote, or from seeking election or appointment to public office. Upon becoming a candidate for public office, any such person shall request and be granted a leave of absence, without pay, to remain in effect during the period of time such person is a candidate."

37. By repealing Section 1310 of Article XIII thereof in its entirety. Said Section 1310 which is repealed in its entirety reads as follows:

"Section 1310. Cash Basis Fund. The City Council shall maintain a revolving fund, to be known as the "Cash Basis Fund" for the purpose of placing the payment of the running expenses of the City on a cash basis. A reserve shall be built up in this fund from any available sources in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such fund, as nearly as possible, on a cash basis."

38. By repealing Section 1311 of Article XIII thereof in its entirety. Said Section 1311 which is repealed in its entirety reads as follows:

"Section 1311. Capital Outlays Funds. A fund for capital outlays, generally, is hereby created, to be known as the "Cap-

ital Outlays Fund". The City Council may create by ordinance a special fund or funds for a special capital outlay purpose. The City Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of two-thirds of the electors voting on the proposition at any election at which such question is submitted The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any capital outlay fund has been created has been accomplished the City Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays, generally, established by this Charter."

39. By repealing Section 1402 of Article XIV thereof in its entirety. Said Section 1402 which is repealed in its entirety reads as follows:

"Section 1402. First Election Under Charter. A Special Election shall be held for the election of the first members of the City Council under this Charter, on the 10th Tuesday following the approval of this Charter by the Legislature."

And we, and each of us, further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Sunnyvale with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the Charter of the City of Sunnyvale are hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Sunnyvale to be affixed hereto this 7th day of June, 1968.

(SEAL)

RICHARD D. HAYDEN
Mayor of the City of Sunnyvale
JOHN E. DEVER
City Clerk of the City of Sunnyvale

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein. That the amendments to the Charter of the City of Sunnyvale, as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of the City of Sunnyvale.

RESOLUTION CHAPTER 167

Assembly Concurrent Resolution No. 119—Approving certain amendments to the Charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held thereon on June 4, 1968.

[Filed with Secretary of State July 9, 1968.]

WHEREAS, The City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and has been ever since the year 1901, and now is, organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of November, 1900, and approved by the Legislature of the State of California, on the 29th day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by resolutions of said Legislature as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, hereinafter set forth; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of two amendments to the Charter of said City of Pasadena, as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PASADENA OF TWO CHARTER AMENDMENTS

State of California }
County of Los Angeles } ss
City of Pasadena }

We, the undersigned, C. Bernard Cooper, Chairman of the Board of Directors of the City of Pasadena, State of California, and Harriett C. Jenkins, City Clerk of said city, do hereby certify and declare as follows:

That the City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population of more than 3,500 inhabitants, and now has a population of over 50,000 inhabitants, and ever since the year 1901 has been and now is organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of November, 1900, and approved by the Legislature of the State of California, on the 29th day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by the Legislature.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Directors of the City of Pasadena, being the legislative body thereof, on its own motion, by Ordinance No. 4861 adopted by said board on the 19th day of March, 1968, duly and regularly proposed that there be submitted to the qualified electors of the City of Pasadena two proposals for the amendment of the Charter of said city, designated as Propositions "H" and "J", to be voted upon by said qualified electors at a special election called and held for that purpose in said city on the 4th day of June, 1968. That said election was duly and regularly called, authorized and provided for by said Board of Directors by Ordinance No. 4862, adopted on the 19th day of March, 1968, which said ordinance called said special election, for the submission of said amendment, to be held in said city on the 4th day of June, 1968, and that by said ordinance the said special election was by said Board of Directors duly and regularly consolidated with the presidential and direct primary election to be held on said date.

That said proposed amendments were published and advertised in the Star-News, a daily newspaper of general circulation, published in said City of Pasadena, and the official newspaper of said city pursuant to Article XI, Section 8 of the Constitution.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than 10 point, and were mailed to each qualified elector of said city, and that until the date fixed for the election herein prescribed a notice was advertised and published in the Star-News, a daily newspaper of general circulation published in the said city, that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City until the date fixed for said election.

That said proposed amendments were submitted to the qualified electors of said city at said special municipal election held in said city.

That at said election on the said proposed amendments to the Charter of the City of Pasadena, a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each of the said amendments to the said charter hereinafter set forth.

That in accordance with law, the Registrar of Voters of the County of Los Angeles, State of California, did duly and regularly canvass the returns of said election and on the 25th day of June, 1968, did certify to the Board of Directors of the City of Pasadena the result of such canvass; that the said Board of Directors on the 26th day of June, 1968, did duly find, determine and declare the result of said special municipal election as determined from the canvass of the returns thereof aforesaid to be that a majority of the qualified electors of said City voting on said proposed amendments had voted for, ratified and adopted said amendments.

That the said amendments to the Charter so ratified by the electors of the City of Pasadena are in words and figures as follows:

Proposition "H"

That the Charter of the City of Pasadena be amended by deleting Articles 1 through 23 and by substituting therefor, the following Articles, which read:

"Charter of the City of Pasadena, California

Article I Name and Boundaries

Section 101. Name. The City of Pasadena shall continue to be a municipal corporation under its present name, "City of Pasadena".

Section 102. Boundaries. The boundaries of the City shall be the boundaries as established when this Charter takes effect, or as they may be changed thereafter in the manner authorized by law.

Article II Succession

Section 201. Rights and Liabilities of the City. The City of Pasadena shall continue to own, possess, and control all rights and property of every kind and nature, owned, possessed or controlled by it when this Charter takes effect and shall be subject to all its debts, obligations, liabilities, and duties.

Section 202. Rights of Officers and Employees. Nothing in this Charter, except as specifically provided, shall affect or impair the tenure, pension, retirement rights, or privileges of officers and employees of the City, or of any office, department, or agency thereof, existing when this Charter takes effect.

Section 203. Continuation of Ordinances All ordinances, resolutions, rules, and regulations, or portions thereof, in force when this Charter takes effect, and not in conflict herewith, hereby are continued in force until amended, repealed or superseded.

Section 204. Continuation of Present Officers and Employees. All officers and employees in office or employed when this Charter takes effect shall continue to hold office and exercise their respective duties under the terms of this Charter.

Section 205. Continuance of Contracts, Public Improvements, and Proceedings All rights, claims, actions, orders, contracts, public improvements, and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on, or dealt with by the city department, office, or agency appropriate under this Charter

Section 206. Effective Date of Charter. This Charter shall take effect when the resolution of the Legislature approving this Charter is filed with the Secretary of State.

Article III Powers of the City

Section 301. General Powers. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter and in the Constitution of the State of California. It shall have the power to exercise any and all rights, powers, and privileges heretofore or hereafter granted or prescribed by general laws of the State, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California.

Section 302 Licensing Power. The City shall have the power to license for the purpose of revenue or regulation, or both, every kind of lawful business transacted in the city and fix the license tax therefor.

Section 303. Joint Powers. The City shall have the power to contract with any governmental entity or regulated public utility, both inside and outside the city limits, to perform such services or to acquire, construct, or administer jointly

such public works, public utilities, or other facilities as are beneficial to its citizens or the consumers of its utilities.

Section 304. Procedures. The City shall have the power and may act pursuant to any procedure established by the general laws of the State, unless a different procedure is established by ordinance.

Section 305. Limitation on Power. The enumeration of powers in this Charter shall not be held to be exclusive of or any limitation upon the general powers stated in Section 301 of this Charter.

Article IV The Board of Directors

Section 401. Number and Term. There shall be a Board of Directors, also known as the City Council, (hereinafter designated as "Board"), consisting of seven members, who shall be nominated and elected as provided in this Charter. The term of office shall be four years beginning at twelve o'clock noon of the first Monday in May next following their election and until their respective successors are elected and qualify. The Directors in office at the time this Charter takes effect shall continue in office until the end of their respective terms as heretofore fixed, and until their successors are elected and qualify.

Section 402. Eligibility. Each Board member shall be a qualified elector and resident of the district from which he is elected or appointed, and shall have been a resident of the city for at least two years prior to his election or appointment. In the case where property is annexed to the City, all residence requirements shall be deemed met if the person elected or appointed to office has resided in the area annexed for the required period of residence prior to his election or appointment.

Section 403. Change of Residence. A Board member who changes his residence from one district of the City to another district of the City may remain in the said office during the remainder of the term for which he was elected or appointed.

Section 404. Vacancies. If a vacancy occurs in the Board, the remaining members shall appoint a qualified resident voter of the unrepresented district who shall hold office for the remainder of the unexpired term.

Nothing herein provided shall limit the power of the Board to provide by ordinance for the continuity of the City government in the event of war, enemy-caused disaster or common accident in which a majority of the members of the Board are killed, missing or injured so as to be unable to perform their duties.

Section 405. Compensation. Each member shall receive $50.00 for each meeting of the Board which he attends, but not to exceed $250.00 in any one calendar month. Board members shall also be reimbursed for necessary expenses incurred as provided by ordinance.

Section 406. The Chairman. At its organizational meeting on the first Monday in May, the Board shall elect from its membership a Chairman who shall preside at its meetings. He may also be known as "Mayor" and shall act as chief executive of the City in performing all acts required to be performed under the general laws of the State of California. He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor of the State for military purposes. He shall have a voice and vote in all proceedings of the Board, and shall perform such other duties as may be prescribed by this Charter or as may be imposed by the Board consistent with his office.

Section 407. The Vice Chairman. At its organizational meeting the Board shall elect from its members a Vice Chairman who shall exercise the powers and perform the duties of the Chairman during the latter's absence or disability. If for any reason the Chairman fails to serve his full term of office, the Vice Chairman shall assume the duties of the Chairman for the unexpired term. He may also be known as "Vice Mayor".

Section 408. Powers Vested in the Board. All powers of the City shall be vested in the Board subject to the provisions of this Charter and to the Constitution of the State of California. The Board is empowered to carry into effect the provisions of this Charter, to execute the powers vested in the City, and to perform all duties and obligations imposed upon the City by State law.

Section 409. Officers Appointed by Board. The Board shall appoint and may remove the City Manager, City Attorney, City Prosecutor, and City Clerk.

The City Prosecutor shall prosecute misdemeanor offenses arising out of violations of the law of the state and ordinances of the City.

Section 410. Organization of City Operations and Activities. The Board shall, by ordinance, provide for the organization of all city operations and activities into functional units and may modify and change the organization from time to time. This organization shall be accomplished through the creation and establishment, by ordinance, of city departments, offices and agencies, advisory boards, commissions and committees, including a Planning Commission, Recreation Commission and Library Board. In establishing departments, offices, agencies, boards, commissions and committees, the Board shall provide the functions, powers and duties of each such department, office, agency, board, commission or committee created.

The Board may, by ordinance, abolish, consolidate, modify or separate any department, office, or agency, board, commission or committee, and may assign, reassign, or modify any functions, powers or duties.

Section 411. Prohibitions.

(a) No Board member shall be eligible to hold any paid office created by the Board while a member thereof and until one year after the expiration of the term for which he was elected.

(b) Except for the purpose of inquiry, the Board and its members shall deal with the administrative service under the City Manager solely through the City Manager; and neither the Board nor its members shall attempt to influence or to direct any subordinates of the City Manager.

Section 412. Official Bonds. The Board may, by ordinance, require any city officer or employee to give and execute to the City an official bond for the faithful performance of official duties. The premium therefor shall be paid by the City.

Article V Legislation

Section 501. Meetings. The Board shall hold meetings at such time, place, and manner as it shall fix by ordinance. All meetings shall be open to the public, except as otherwise provided by law.

Section 502. Quorum. Four members of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time or compel the attendance of other members in such manner and under such penalties as the Board may prescribe.

Section 503. Proceedings. Rules for the conduct of the Board's proceedings shall be established by ordinance.

Section 504. Oaths and Subpoenas. Each member of the Board shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Board. The Board shall have the power to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence.

Section 505. Ordinances, Resolutions and Motions. Action shall be taken by the Board by means of ordinances, resolutions and motions. Ordinances and resolutions shall be introduced in writing. No ordinance shall be adopted by the Board on the day of its introduction Oral motions require only to be duly adopted by the Board and spread upon the minutes.

Section 506. Action by Board. No action of the Board, including the adoption of ordinances, resolutions and motions, shall be valid unless it receives the affirmative vote of four members.

Section 507. Enacting Clause. The enacting clause of all ordinances shall be "The People of the City of Pasadena ordain as follows".

Section 508. Publication of Ordinances. All ordinances adopted under this Charter shall be published by the City Clerk at least once in a newspaper of general circulation in the City, and until such publication no ordinance shall take effect. Land use zones may be established (a) by legal description; (b) by reference to a map or plat referred to in such

ordinance and published as a part thereof; or (c) by reference to a map or plat on file with the City Clerk provided the ordinance designates the area in relation to the names of the public streets within the area depicted and incorporates such map or plat by reference.

Section 509. Signature and Certification. Every ordinance adopted by the Board shall be signed by the Chairman or, in his absence, by the Vice Chairman, or shall be signed by four members of the Board, and shall be certified by the City Clerk.

Section 510. Effective Date of Ordinances. Ordinances shall take effect upon publication except the following, which shall not take effect until the expiration of 30 days from publication:

(a) Ordinances granting franchises;

(b) General penal ordinances, except an ordinance required for the immediate preservation of the public peace, health or safety which declares the existence and nature of the emergency and which is adopted by an affirmative vote of at least 5 members of the Board.

Section 511. Codification and Adoption of Codes. The Board may cause to be classified and codified under appropriate headings the ordinances of the City Notwithstanding any other provision of this Article, the Board may adopt and thereafter amend a code of laws, rules or regulations by reference, in the manner prescribed by the Government Code as now or hereafter amended.

Section 512. Violations of Ordinances; Penalties. The violation of any penal ordinance of the City shall be a misdemeanor. The maximum fine or penalty for any such violation shall be the sum of $500.00 or a term of imprisonment for a period not exceeding 6 months, or both such fine and imprisonment.

Article VI The City Manager

Section 601. City Manager. There shall be a City Manager who shall be the chief administrative officer and head of the administrative branch of city government.

Section 602 Appointment of City Manager. The City Manager shall be selected on the basis of his executive and administrative qualifications, and shall be appointed at a regular meeting of the City Board upon the affirmative vote of not less than five members of the Board No Board member shall receive such an appointment during the term for which he shall have been elected, nor within two years after the expiration of his term.

Section 603. Removal or Resignation of City Manager. The affirmative vote of not less than five members of the Board shall be required to remove the City Manager from office. The City Manager may resign by giving the Board at least thirty days' written notice of his intention to resign, stating the reasons therefor.

Section 604. Powers and Duties of City Manager. The administrative and executive functions, powers, and duties provided in this Section, in addition to others specified in this Charter, hereby are delegated to and vested in the City Manager. He shall have the power and it shall be his duty:

(a) To supervise, coordinate and administer the various functions of the City;

(b) To see that the provisions of this Charter and all laws and ordinances of the City are enforced;

(c) To appoint, promote, discipline and terminate the employment of all officers and employees of the City in accordance with the personnel system created pursuant to this Charter except those officers appointed by the Board which officers shall have the power to appoint their respective staffs, and except that the appointment and removal of the City Librarian shall be subject to the approval of the Board;

(d) To exercise supervision and control over all departments, divisions, and offices of the City except the City Attorney, City Prosecutor, and City Clerk, and their respective staffs;

(e) Except when his removal is under discussion, to attend all meetings of the Board; but he shall have no power to vote as a member thereof;

(f) To recommend to the Board for adoption such measures and ordinances as he shall deem necessary or expedient;

(g) To see that all terms and conditions imposed in favor of the City or its inhabitants in any contract or in any franchise are faithfully kept and performed; and upon knowledge of any violation thereof to call the same to the attention of the City Attorney, whose duty it shall be to take such steps as are necessary to protect and enforce such terms and conditions;

(h) To prepare and submit to the Board the annual budget;

(i) To keep the Board at all times fully advised as to the financial condition and needs of the City; and

(j) It shall be competent for the Board to instruct the City Manager in all matters of policy; and any action, determination, or omission of the City Manager shall be subject to review by the Board; but no such action, determination, or omission shall be overruled or modified by a vote of less than five members of the Board, nor shall any otherwise valid contract previously made by the City Manager be subject to review.

Section 605. Assistant City Manager. An Assistant City Manager shall be appointed and may be removed by the City Manager with the approval of the Board. He shall assist the City Manager and shall act as City Manager during the absence or disability of the City Manager, or during any vacancy in his office.

Section 606. Acting City Manager In the absence or disability of both the City Manager and Assistant City Manager, the Chairman of the Board shall act as City Manager until

the Board shall appoint an Acting City Manager who shall have the powers and duties of the City Manager prescribed by the Charter or by ordinance.

Article VII Board of Education

Section 701. Establishment of a Board of Education. The control, management, and administration of the public elementary, junior high, and high schools of the City of Pasadena and territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, is hereby vested in a Board of Education consisting of five members respectively holding offices numbered 1, 2, 3, 4, and 5. The three members whose terms expired in 1965 shall be considered as holding offices numbered 1, 3, and 5; the remaining offices shall be known as offices numbered 2 and 4. The Board of Education is hereby vested with all the powers and charged with all the duties provided by the State for city boards of education.

The control, management, and administration of the Pasadena City Junior College District shall be the duty of a junior college district operating entirely under the provisions of the State Education Code, and not under this Charter.

Section 702. Term of Office. The members of the Board of Education shall hold office for a term of four years, and until their successors are elected and have duly qualified.

Section 703. Election. Elections shall be primary nominating and general. Members of the Board of Education shall be elected from the school district at large on the first Tuesday in June in odd-numbered years, unless elected by a majority of votes at the primary nominating election. Candidates to be voted on at the general election shall be residents and qualified voters of a Pasadena school district, and shall be nominated at a primary nominating election, held on the sixth Tuesday preceding the date fixed for the Board of Education general election. No person shall become a candidate for more than one of the numbered offices to be filled at such election. No names shall be printed upon the ballot in the general election for a member or members of the Board of Education other than those selected in the manner hereinafter prescribed.

So far as possible, the same officers of election shall be appointed for the primary nominating election and for the general election, utilizing, so far as possible, the same polling places. The officers of the elections shall be compensated for their services as provided by the general laws of the State governing school elections; such compensation and any other expense incurred in the conduct of said elections shall be a charge upon the school district and not upon the city.

Section 704. Nominating Petition. Any person desiring to become a candidate for one of the numbered offices of the Board of Education to be filled at such election, shall file, or

have filed, with the Secretary of the Board of Education, on or before the forty-sixth day prior to the primary nominating election, a written statement signed by him, specifying for which of the numbered offices he is a candidate, in substantially the following form:

State of California } ss
County of Los Angeles }

I, _____, being duly sworn, say that I reside at _____, _____; that I am a candidate for nomination for Office No. __ on the Board of Education of the Pasadena school district to be voted on at the primary nominating election to be held on _____, 19__, and am legally qualified to fill said office, and I hereby request that my name be printed upon the primary ballots for nomination at such primary election for such office.

Signed _____

Subscribed and Sworn to before me this _____ day of _____, 19__.

_____

(Notary Public in and for said County and State.)

At the same time such person shall file therewith a petition bearing the signatures of at least one hundred (100) qualified voters from such district, requesting such candidacy, and accompanied by a filing fee of $25.00. Each petition shall be verified by one or more persons who are qualified voters of such district, as to the qualifications and residence, with street number, of each of the persons so signing the said petition. The said petition shall be substantially in the following form:

Petition Accompanying Nominating Statement

The undersigned, duly qualified voters residing in a Pasadena school district, residing at the places set opposite our respective names, do hereby request that the name of _____ (name of candidate) be placed on the ballot as a candidate for nomination to Office No. __ of the Board of Education at the primary nominating election on _____, 19__. We further state that we know him (her) to be a qualified voter of said school district, residing within said district, and a person of good moral character and qualified, in our judgment, for the duties of such office.

Names of Qualified Voters	Number	Street	City
_____	_____		
_____	_____		

The qualified voters signing any petition for the nomination of any person to the office of member of the Board of Education shall be residents of a Pasadena school district. The names of voters not residents of a Pasadena school district

shall not be counted by the County Registrar of Voters in determining the sufficiency of such petition.

Section 705. Ballots for Primary Election.

The Secretary of the Board of Education shall cause ballots to be printed and numbered and bound. Each ballot shall contain:

1. the following caption,

Primary Nominating Election
(Insert name of Pasadena school district)
(Insert date thereof)

2. the following instruction,

To vote, stamp a cross opposite the name of the candidate, except when the name of the candidate is written in by the voter.

3. the list of candidates and the respective numbered offices.

4. a blank space underneath the printed names of candidates for each office wherein the voter can write the name of any candidate whose name is not printed on the ballot, and for whom he wishes to vote.

For the purpose of the primary nominating election and the general election each numbered office of a member of the Board of Education shall be deemed to be a separate office, and shall appear on the ballot in numerical sequence, and the names of the candidates for each office shall be arranged on the ballot in alphabetical order, except that the name of an incumbent shall appear first.

Section 706. Election at the Primary and Ballots for General Election. The two candidates for each of the numbered offices of the Board of Education receiving the highest number of votes at the primary nominating election shall be the candidates and the only candidates for such office whose names shall be printed on the ballots to be used at the general election; provided that any candidate who at a primary nominating election shall receive a majority of all the votes cast for candidates for said office, shall be elected to said office. The ballots at such general election shall be in the same general form as for such primary nominating election, so far as applicable. In the case of a tie vote, the Board of Education shall summon the candidates affected to appear at a time and place designated by the said Board and shall at that time and place determine the tie by lot.

Section 707. Canvass of Returns. On the first Tuesday after the primary nominating election and at their usual time and place of meeting, the Board of Education shall meet and canvass the returns and declare the results. In the event any absentee ballot has not been returned to the Board of Education for the purpose of voting, not later than the three days before the date of any primary nominating election, any such absentee ballot not so returned shall not be counted.

Section 708. State law applicable; Errors or Irregularities. In all other matters, the election for members of the Board of Education shall, as to the primary nominating and as to the general election, be governed by the applicable general laws of the State relating to city boards of education.

No election, whether primary nominating or general, shall be set aside for any error, irregularity or defect in the proceedings leading up to or in said election, when the provisions of law governing the same are substantially complied with and where a fair expression of the will of the electorate is secured.

Section 709. Meetings of Board of Education.

The members of the Board of Education shall enter upon the discharge of their duties on the first Monday in July after their election, and the Board of Education shall meet upon said day and annually thereafter and organize by electing one of their number President, whose term of office shall be one year. The Board of Education shall determine the rules of its proceedings. Any vacancy occurring on the Board of Education shall be filled by the remaining members of the said Board, and if there be no members, then by the City Board of Directors.

Section 710. Compensation. Each member of the Board of Education shall be paid the sum of $10.00 per meeting attended, not to exceed $50.00 per calendar month, which shall be a charge upon the school district and not upon the City.

Section 711. General Law Applicable. In all matters not specifically provided for in this Article, the Board of Education shall be governed by the provisions of the general law relating to such matters.

Section 712. Election Costs. The Board of Education shall reimburse the City out of school district funds for the costs of any election conducted by the City arising out of a request by the Board of Education including an amendment to this Charter.

Article VIII The Personnel System

Section 801. Personnel System. The Board shall establish a personnel system.

Section 802. Merit Principle. All appointments and promotions of city officers and employees shall be made on the basis of merit, and fitness shall be demonstrated by appropriate examination or other evidence of competence.

Section 803. Employment Rules and Compensation. A manual of the rules, practices and procedures necessary to the administration of the city personnel system shall be established by the City Manager.

The Board shall establish by resolution, the maximum numbers of officers and employees in each department, the classes of employment and the compensation therefor, and other employee benefits.

Section 804. State Employees' Retirement System. The Board may establish a retirement system pursuant to the State Employees' Retirement Act, as now enacted or hereafter amended, for such persons in the employ of the city as it shall determine other than those who are members of the Fire and Police Retirement System established by this Charter. Obligations of the city under such system shall be paid from the General Fund, the Light and Power Fund, and the Water Fund, in accordance with the respective obligations of said funds.

Article IX Fiscal Administration

Section 901. Fiscal Year. The fiscal year of the City shall begin on the first day of July of each year and end on the thirtieth day of June following.

Section 902. Preparation of Budget. On or before the first Monday in June in each year the City Manager shall submit to the Board a preliminary budget of probable expenditures and revenues of the City for the succeeding fiscal year, giving the amounts required to meet the interest and sinking funds for outstanding funded debts, the amounts required for salaries and the needs of all departments of the municipal government in detail, showing specifically the amount necessary to be apportioned to each fund in the treasury, and giving the estimated income and revenue to be obtained from all sources, indicating the revenue separately for each source.

Section 903. Public Hearing on Budget. The Board shall held a public hearing on the proposed budget not earlier than two weeks after publication of a notice stating:

(a) The times and places where copies of the budget are available for inspection by the public; and

(b) The time and place for the public hearing.

Section 904. Adoption of the Budget after Hearing. After the conclusion of the public hearing, the Board shall consider the proposed budget and make any revisions that it may deem advisable. The Board shall annually, on or before the fifteenth day of August, adopt a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the City for the fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the Board may determine. A copy of the budget, certified by the City Clerk as having been adopted by the Board, shall be placed on file in the office of the City Clerk and shall be available for public inspection. Another copy, likewise certified, shall be filed with the Director of Finance. Copies of the budget shall be made available for the use of each department, board, and commission of the City.

Section 905. Tax Rate. On or before the first Monday of September in each year, the Board shall, by ordinance, fix the tax rate, and shall, by ordinance, establish procedures for tax collection and enforcement. The Board shall fix a tax rate

which will raise sufficient moneys, when added to all other estimated income and revenue, to meet the adopted budget requirements.

Section 906. Budget Reserve. A sufficient amount may be included in the budget each year to pay the necessary current expenses of the city government until the receipt of tax moneys the following year.

Section 907. Budget Appropriations. The adoption of the budget shall constitute an appropriation to the several offices, departments, boards and commissions for the respective objects and purposes named therein.

Section 908. Tax System. The City may use, for the purpose of ad valorem municipal taxation of property, the County assessment and tax-collection facilities.

Section 909. Bonded Debt or Tax Levy. Whenever the Board shall determine that the public interest requires the construction or acquisition or completion of any public improvement or utility, the cost of which, in addition to the other expenditures of the city will exceed the income and revenue provided for in any one year, it may, by ordinance, submit a proposition to incur a general obligation bonded indebtedness or levy a special tax for such purpose, and proceed therein as provided in Section Eighteen of Article Eleven of the Constitution of this State and general law or laws thereof, provided that no such indebtedness shall bear more than six per cent interest per annum, payable semi-annually, and that the bond issue therefor shall be sold to the highest bidder, after advertising for sealed proposals; provided that the Board may reject any and all bids.

Section 910. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed 15 per cent of the assessed value of all the real and personal property in the City subject to assessment for taxation for municipal purposes.

Article X Contracts, Purchases and Claims

Section 1001. Contracts. All contracts shall be in writing, and shall be executed in the name of the City of Pasadena by an officer or officers authorized to sign the same. All contracts shall be approved as to form by the City Attorney before the execution thereof.

Section 1002. Contracts Requiring Competitive Bids. Except as otherwise provided in this charter, no contract for supplies, material, labor, or other valuable consideration, to be furnished to the City shall be authorized by the Board except with the lowest and best bidder after competitive bidding. The Board may reject any and all bids.

Competitive bidding shall not be required under this Charter for:

(A) Labor or services rendered by any City officer or employee.

(B) Labor, material, supplies or services furnished by one city department to another city department.

(C) Contracts for labor, material, supplies, or services available from only one vendor

(D) Contracts for labor, material, supplies, or services under $5.000.

(E) Contracts relating to the acquisition of real property.

(F) Contracts for professional or unique services.

(G) Contracts for labor, material, or supplies for actual emergency work.

(H) Contracts with other governmental entities or their contractors for labor, material, supplies, or services.

Section 1003. Bidding Procedure. The Board shall prescribe by ordinance a system of competitive bidding including such definitions, publication requirements, conditions, terms, rules and regulations and with such exceptions as the Board shall prescribe not inconsistent with this Article.

Section 1004. Small Purchases and Utility Services. The audit requirement as such term is used in Section 1010 shall not apply to demands arising out of purchases under $25.00 or to any of the following services: telephone, gas, water, electric light and power Such demands may be paid without prior audit, under procedures prescribed by ordinance.

Section 1005. Sale of Property. The Board may provide, by ordinance, for a uniform method for the sale or exchange of real and personal property not needed by the City.

Section 1006. Contracts for Public Utilities. The respective officers in charge of water and power utilities operated by the City may contract for the sale of the products, commodities, and services of their departments in accordance with forms and regulations approved by the City Manager and City Attorney, and at rates fixed by the Board.

Section 1007. Illegal Interest in Contracts. No officer or employee of the City shall have an interest in any contract to which the City is a party, except to the extent permitted by state law as now or hereafter provided.

Section 1008 Federal and State Funds Whenever the City shall have received any money from the Federal Government or from the State of California or from any agency of either, it may in the expenditure of such money conform to all applicable requirements of Federal or State laws, and of regulations and orders issued under the authority thereof, with respect to the awarding of contracts, hours of labor, employment preferences, and other such matters covered thereby, notwithstanding any provisions of this Charter inconsistent therewith, and any such inconsistent provisions shall yield and be subordinate thereto with respect to such expenditure.

Section 1009 Payment of Bonds. The City Treasurer shall draw and issue a warrant without approval of any body or officer for payment of the principal or interest on bonds issued by the City, in accordance with the State Constitution, laws and ordinances authorizing the issuance of said bonds.

Section 1010. Demands. All demands against the City must be in writing, must specify the date, nature, and amount of each item included therein and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance, who shall examine and audit the same. If the amount is legally due and there remains on his books an unexpended balance of an appropriation against which it may properly be charged, he shall approve such demand and draw and issue a warrant on the City Treasurer therefor, payable out of the proper fund. Otherwise, he shall reject it. The Board may overrule such rejection and order the warrant drawn Such warrant shall be paid by the City Treasurer if sufficient funds exist for that purpose. If funds are insufficient, the warrant shall be registered, and all registered warrants shall be paid in the order of their registration when funds therefor become available.

Section 1011. Claims Against the City.

(A) To the extent that the laws of the State of California set forth a procedure applicable to claims specified therein against local public entities and public officers and employees thereof, such state laws shall, from and after January 14, 1963, govern such claims to the exclusion of the provisions of this Charter and all ordinances of this city.

(B) Subject to the provisions of subsection (A) of this Section, and except in those cases where a different period of time is otherwise specified by law, all claims or demands which are based on a cause of action accruing from and after January 14, 1963, against the city, or any board or department thereof, or any officer or employee thereof for an act or omission during the course of his service or employment, shall be presented within one year after the accrual of the cause of action.

(C) For the purpose of computing the time limit prescribed by this Section, the date of the accrual of a cause of action to which a claim relates is the date upon which the cause of action accrued within the meaning of the applicable statute of limitations.

(D) Any claim rejected in whole or in part by any officer of the City whose approval may be required, may be presented to the Board within thirty days after such rejection, and must be so presented before the bringing of any suit against said city or any officer, employee, board or department thereof in his or its official capacity, and suit on any claim shall be brought within six months after the rejection of such claim in whole or in part by such Board. When any claim is in part allowed and in part rejected by said Board, the claimant may refuse to accept such partial allowance and bring suit for the entire amount of such claim, but if any such partial allowance is accepted, no suit shall be brought or maintained upon such claim.

Section 1012. Actions Against the City. No suit shall be brought upon any claim for money or damages, against the City, or any officer, employee, board or department thereof, until a claim or demand for the same has been presented as provided herein or in any ordinance herein authorized.

Section 1013. Independent Audit. At the beginning of each fiscal year, the Board shall employ a certified public accountant who shall, at such times as may be specified by the Board, examine the records, books, inventories, and reports of all officers and employees who receive, handle, or disburse city money, and the books, records, inventories, and reports of such officers, employees, or departments as the Board may direct. The accountant shall make such periodic reports to the Board as it may direct; and as soon as practicable following the close of the fiscal year, he shall make a final audit and report in writing to the Board.

Article XI Franchises

Section 1101. Granting of Franchises. The Board may grant a franchise to any person, partnership, corporation, or other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not, and may prescribe the terms, conditions and limitations of such grant, including the compensation to be paid to the City. The Board may, by the affirmative vote of five members prescribe by ordinance the method of procedure for granting franchises, together with additional terms and conditions for making such grants. In the absence of such provision the method provided by the general laws of the State of California shall apply.

Section 1102. Term of Franchise. No franchise shall be granted for a longer period than twenty years, unless there be reserved to the City the right to take over at any time the works, plant, and property constructed under the grant at their physical valuation and without compensation for franchise or good will.

Section 1103. Eminent Domain. No franchise or grant of a franchise shall in any way or to any extent impair or affect the right of the City to acquire the property of the possessor thereof by purchase or condemnation, and nothing therein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to the property of the possessor of any franchise. Every franchise granted by the City is granted upon the condition, whether expressed in the grant or not, that such franchise shall not be given any value before any court or other public authority in any proceeding of any character in excess of any amount actually paid by the grantee to the City at the time of the grant.

Section 1104. Procedure for Granting Franchise. Before granting any franchise, the Board shall adopt a resolution

declaring its intention to grant a franchise and stating the name of the proposed grantee, the character of the proposed franchise, and a general summary of the terms and conditions upon which it is proposed to be granted. Such resolution shall set forth the day, hour, and place when and where any person having an interest in or objecting to the granting of such franchise may appear before the Board and be heard. Said resolution shall be published at least once, not less than ten days prior to said hearing in a newspaper of general circulation in the City. After hearing all persons desiring to be heard, the Board may, by ordinance, grant the franchise. No ordinance granting a franchise shall be adopted as an emergency measure, but shall be subject to the referendary power reserved to the people.

Article XII Elections

Section 1201. Districts. The Board shall, by ordinance, redistrict the City into seven districts at least once every four years. Such districts shall be used for all elections of Board members. The districts shall comprise as nearly as practicable equal numbers of voters as determined by the total numbers of votes cast for the highest office at the preceding general state election, and shall be composed of contiguous and compact territory and bounded by natural boundaries or street lines. In laying out such districts, no precinct at the time fixed by the Board of Supervisors of Los Angeles County shall be divided. If, thereafter, the Board of Supervisors shall reprecinct the City, at least 60 days before any Board election, with the result that any precinct shall be divided by the district lines, the Board shall, not less than 30 days prior to any primary or general election, modify districts theretofore fixed to an extent sufficient to prevent the division of any precinct by a district line.

Any territory hereafter annexed to or consolidated with the City of Pasadena shall at the time of such annexation or consolidation be added to an adjacent district or districts by the Board by ordinance, provided, however, that if any territory annexed at any one time shall contain qualified voters in excess of 2500, as determined by the registration books of the County of Los Angeles at the time of such annexation, the Board shall within 30 days after said annexation redistrict the City in the manner as prescribed in this section.

Section 1202. Primary Election. On the sixth Thursday preceding the general municipal election, a primary nominating election shall be held throughout the City for the purpose of nominating candidates to be voted on at the general municipal election, and for such other purposes as the Board may prescribe.

Section 1203. Nominating Petition. Any voter residing within a district who desires to become a candidate for the office of Board member from that district to be filled at such

general election shall file with the City Clerk, not less than 30 days prior to the primary election, nominating papers signed by not less than 25 qualified voters of such district, and accompanied by a filing fee of $25 00.

Section 1204. Candidates. The two persons receiving the highest number of votes at the primary election for the candidates for office of Board member from that district shall be the candidates for that district, and only their names shall be printed upon the ballots to be used at the general municipal election. Any person who at the primary election shall receive a majority of all votes cast for candidates for said office, shall be elected to said office of Board member from that district.

Section 1205. General Municipal Election For the election of Board members under this Charter, and for such other purposes as the Board may prescribe, a general municipal election shall be held biennially throughout the City on the fourth Thursday in April of every odd-numbered year.

Section 1206. Special Elections Any other municipal election that may be held by authority of this Charter, the Constitution of the State of California, or any law under which the City may act shall be known as a special municipal election A special election may be called by the Board by ordinance or resolution

Section 1207. Canvass of Elections. The Board shall canvass the returns of election on the first Monday after the election and at their usual time and place of meeting, unless otherwise provided for in the ordinance or resolution calling the election.

Section 1208. Procedures for Conducting Elections. Unless otherwise provided by ordinance, all municipal elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, governing municipal elections. The conduct of all City elections shall be under the control of the Board, and the Board shall, by ordinance or resolution, provide for the holding of each City election.

Article XIII Initiative, Referendum, and Recall

Section 1301. Powers Reserved to the People. The powers of the initiative and referendum and the recall of elected city officers are hereby reserved to the electors of the City. The provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended or superseded, governing the exercise of the powers of initiative and referendum in cities, and governing the exercise of the power of recall of municipal officers, shall apply to the exercise of those powers in the City in so far as such provisions are not in conflict with the provisions of this Charter.

Article XIV Water and Power Utility Operations

Section 1401. Operation of Utilities. The City shall operate water and power utilities through a department or departments as established by ordinance.

Section 1402. Books of Account and Business Reports. The books of account of the water utility and of the power utility shall be kept separately from the accounts of all other city departments and of each other, and in such manner as to show the value of the property of each utility, its earnings, and expenses in accordance with accepted accredited uniform system of accounts. Reports of each utility shall be published annually in printed pamphlet form for distribution within 150 days after the close of each fiscal year, showing the value of the properties, the financial status, including cash on hand and invested funds, the bonded debt and other obligations, the earnings for the year, the cost of production and distribution, the cost of equipment and the depreciation thereof, and a statement of all assets and liabilities.

Section 1403. Service Rates. The charges to be made for water and electrical energy shall be prescribed by ordinance.

Section 1404. Separation of Funds. All money and property received by the City in payment for water or electrical energy and for any service rendered in connection therewith, or from the sale, lease, or other disposition of any property acquired with funds or property of either of said utilities; from the proceeds of any bonds issued for the purpose of either of said utilities; or from any special taxes at any time authorized for the purposes of either of said utilities shall be exclusively devoted to and appropriated for the purposes of said utilities as in this section required. However, nothing herein shall be deemed to prevent uses of such property for purposes not inconsistent with the purpose for which such property is held. Funds of each utility shall be kept separate and shall be limited to the use of that utility. The funds of the water and the power utilities shall be known and designated as "Water Fund" and "Light and Power Fund" respectively No transfer of real property, nor of any personal property exceeding in value $10,000.00 shall be made from either of said utilities to the other or to any other department of the City in any manner other than by ordinance or resolution of the Board.

Section 1405. The Use of Funds The funds derived from the water utility and the power utility shall be used only for the following purposes:

(1) The necessary or proper expenses of conducting each utility; the operation and maintenance of its works, plants, and distributing systems; the acquisition and improvement of facilities; and the publishing of reports.

(2) The payment of interest and principal on bonds issued for the purposes of said utility.

(3) The formation of surplus or reserves for future needs of the said utility and for unforeseen emergencies.

(4) Repayment of advances made from other funds of the City.

Section 1406. Investment of Funds. On authorization of the Board, any surplus utility funds may be invested in any bonds issued by the City of Pasadena, or any bonds issued by any school district situated in whole or in part in the City, or any bonds or certificates of indebtedness issued by the State of California or the United States, or in banks in interest-bearing accounts; and any such securities may be sold and the proceeds of such sale may be invested in other such securities. Interest earned from such funds shall go to the credit of the respective utility interest expense account. In authorizing the investment of any such surplus funds, preference over other securities shall be given by the Board to the bonds of the City issued for the purposes of either utility. No officer shall be personally liable for any loss to the City arising out of any such investment, unless such loss shall be the loss of the securities themselves due to the negligence or malfeasance of such officer.

Section 1407. Annual Contribution for Bond Redemption. Not later than the date of the adoption of the budget of the City for each fiscal year, as provided in this Charter, the Board shall determine the amount to be transferred from the Light and Power Fund. The sum so determined shall not exceed one-half of the net income of the electric works after payment of the maintenance and operating expenses of such works, the expenses of conducting the power utility depreciation and the principal, interest and premiums, if any, upon the redemption thereof, of electric works revenue bonds, as shown by the books of account of the power utility for the latest fiscal year with respect to which such books have been examined and reported upon by an independent certified public accountant and shall be transferred to the General Fund of the City by ordinance not later than the first day of September next succeeding the date of such determination. The sum thus transferred shall be expended for the payment of interest and principal on any bonds of the City which are or shall become wholly payable out of moneys received from general taxes of the City.

The amount to be so transferred shall not exceed eight per cent (8%) of the gross income of the electric works received during the said latest reported fiscal year from the sale of electric energy for use in the City of Pasadena; provided, however, that no greater sum shall be transferred than shall be required currently for the expenditures for said interest and principal as herein provided.

Notwithstanding anything herein contained, if the Board at the time of or before the adoption of the budget shall determine that the transfer of such amount from the Light and

Power Fund would be detrimental to the proper functioning and administration of the utility during the current fiscal year, the Board may so declare by ordinance. In this event no transfer of such amount shall be made thereafter within the current fiscal year. If, however, it shall determine that the transfer of an amount less than the eight per cent (8%) would not be detrimental to the proper functioning and administration of said utility during the current fiscal year, the Board may so declare by ordinance, and shall transfer the smaller amount.

Section 1408. Annual Contribution for any Municipal Purpose. Not later than the date of the adoption of the budget of the City for each fiscal year, as provided in this Charter, the Board shall determine the amounts to be transferred from the Light and Power Fund and the Water Fund in accordance with the provisions of this Section. Said amounts shall be in addition to the amount authorized to be transferred by Section 1407, and shall be transferred at the same time and in the same manner as the amount provided in Section 1407. The amounts thus transferred may be expended for any municipal purpose.

The amount to be so transferred from the Light and Power Fund shall not exceed one-half of the net income of the electric works as shown by the books of account of the power utility for the latest fiscal year with respect to which such books have been examined and reported upon by an independent certified public accountant, and shall not exceed eight per cent (8%) of the gross income of the electric works for the latest reported fiscal year. The amount to be so transferred from the Water Fund shall not exceed six per cent (6%) of the gross income of the water works for the said latest reported fiscal year.

But if the Board at the time of or before the adoption of the budget shall determine that the transfer of such amount from the Light and Power Fund or from the Water Fund would be detrimental to the proper functioning and administration of the two utilities during the current fiscal year, the Board may so find by ordinance; and, in such event, no transfer of such amount shall be made within the current fiscal year. If the Board shall determine that the transfer of an amount less than eight per cent (8%) from the Light and Power Fund or of an amount less than six per cent (6%) from the Water Fund would not be detrimental to the proper functioning and administration of these utilities during the current fiscal year, the Board may so declare by ordinance, and shall transfer the smaller amount.

Section 1409. Other Appropriations. Whenever the Board determines that the surplus or reserve in the Light and Power Fund is in excess of reasonable future needs of the power utility, such excess may be appropriated for other municipal purposes, provided that such appropriation be made by an ordinance stating its purpose, and further provided that such

ordinance shall not be effective until submitted to the people and approved by two-thirds of the qualified electors voting.

Section 1410. Emergency Use of Funds. Any surplus or reserve in the Water Fund or the Light and Power Fund may temporarily be used for other municipal purposes in case there shall be insufficient funds in the City Treasury to pay the current expenses of the general government of the City before the collection of taxes levied in any fiscal year. In case moneys from either of said funds are used pending the receipt of taxes, the amount so used shall be repaid not later than February 15 of the same fiscal year.

Section 1411. Revenue Bond Purposes. Revenue bonds for the purpose of providing moneys for the acquisition and construction of additions to, extensions, improvements, or repairs of the water works and electric works of the City, or the purchase for intertie purposes of undivided joint interests or rights of use in other generation or transmission facilities, constructed either by governmental agencies or investor-owned companies may be issued only as provided in this Article. Such revenue bonds shall not constitute an indebtedness of the City but shall constitute obligations which shall be payable principal and interest and any premiums upon the redemption of any thereof prior to maturity only from the fund derived from the public utility involved (the "Water Fund" established in this Article in the case of revenue bonds issued for waterworks purposes and the "Light and Power Fund" established in this Article in the case of revenue bonds issued for electric works purposes; and each of said funds may hereinafter in this Article be referred to as a "Revenue Fund"); provided, however, that this shall not preclude the payment thereof from the proceeds of bonds issued to refund said revenue bonds. Refunding bonds issued under this Article may be issued only as provided in this Article and shall be payable only from the fund from which the revenue bonds to be refunded are payable. No restrictions or limitations upon, or procedure for, the issuance of bonds in other articles of this Charter shall apply to such revenue bonds (including refunding revenue bonds) and this Article shall constitute complete authority for the issuance of such revenue bonds (including such refunding revenue bonds), and no action or proceeding not required by this Article shall be necessary for the valid authorization and issuance of such revenue bonds.

Section 1412. Revenue Bond Ordinance. Whenever the Board proposes to issue revenue bonds pursuant to this Article, it shall adopt an ordinance authorizing the issuance of such bonds which shall recite the objects and purposes for which the bonds are to be issued, the principal amount of the bonds, the maximum rate of interest to be paid, the date of issue of said bonds, the maturity dates thereof, and the fund from which the bonds and the interest thereon and premiums upon the redemption of any thereof are to be payable

and such provisions authorized by Section 1413 of this Article as the Board deems desirable. Said bonds shall be negotiable. The recitals of regularity of proceedings in any revenue bond issued and sold under this Article shall be conclusive evidence of compliance with the provisions of this Article and of the validity of such bond.

Section 1413. Revenue Bonds: Terms and Conditions. In the ordinance authorizing the issuance of said bonds, the Board may also fix additional terms and conditions thereof and may in any article, section or clause thereof make such provision as it may deem necessary or desirable to facilitate the issuance and sale of the bonds or for the protection or security of the holders thereof, including, without affecting the generality of the foregoing, provision for any or all of the following:

(1) The denomination or denominations of the bonds, the medium of payment thereof, the place or places of payment thereof, which may be within or without the State of California, the form of said bonds (including recitals of regularity) and of interest coupons pertaining thereto, the form, denomination, and conditions of any temporary bonds or interim certificates, and the manual and facsimile signatures to be affixed to said bonds or certificates (one signature upon which must be manual) and the manual or facsimile signature to be affixed to interest coupons.

(2) The terms and conditions under which said bonds may be issued, sold, paid, redeemed before maturity (including the premiums, if any, to be payable upon bonds redeemed prior to maturity), exchanged, registered, transferred, and negotiated.

(3) Rates to be charged for services furnished by the public utility added to, extended, improved, or repaired with the proceeds of said bonds (or in the case of refunding bond, with the proceeds of the bonds to be refunded), such rates to provide revenue at least sufficient to pay, as the same become due, principal and interest of such bonds, and all other obligations payable from the Revenue Fund of such works (or from any fund derived therefrom) and the necessary expenses of maintaining and operating such works, and the extent to which such services may be furnished or rendered to the City or to any public corporation or body, free or at lower rates than otherwise charged.

(4) The Revenue Fund from which said bonds and the interest thereon shall be paid; the collection, deposit, and safekeeping of the revenues; the permissible uses thereof, including restrictions upon or prohibitions against any contributions provided for in this Article; provided, however, that nothing in this Article or in any ordinance authorizing the issuance of revenue bonds hereunder or in any resolution or order in the revenue bond proceeding shall prevent, restrict, or prohibit the payment from the revenues of the necessary or proper expenses of maintenance and operation and conduct

of the utility prior to the payment of principal and interest of the revenue bonds or the setting aside in the bond service, sinking redemption, reserve, or other fund, monthly or otherwise, of funds therefor; the special fund or funds to be pledged and kept for the payment of principal and interest of the bonds, including reserve, sinking, bond service, redemption, and trust funds, and any revenue bond payable from the Revenue Fund of a public utility may be paid from any such special fund set up therefor; the permissible investments for moneys in said funds or any thereof; the accounts and records to be kept, audits thereof and examination thereof by bondholders and others.

(5) The carrying of insurance upon such public utility or any part thereof against any or all risks, and in case of loss the application of the insurance proceeds.

(6) Prohibitions against or limitations upon the sale, lease, or other disposition of such public utility.

(7) Prohibitions or limitations upon the issuance of any additional bonds payable from the revenues of the public utility so added to, extended, improved, or repaired with the proceeds of said bonds, but no bonds shall be issued pursuant to this Article or under any other provision of this Charter or any other law having any priority in payment of principal or interest out of such revenues over revenue bonds theretofore or thereafter issued and payable out of said revenues.

(8) Provisions whereby the consent or agreement of a stated percentage or number of the holders of the bonds may bind all holders to modifications of the provisions of any ordinance, resolution, or order authorizing or providing for the issuance of such bonds, or to a refunding of said bonds and to calls or exchanges in connection with such refunding.

(9) For the issuance of a duplicate in the manner and upon such terms and conditions as the Board may determine, in the event any bond, temporary bond, coupon or interim certificate of any such issue is lost, stolen, destroyed, or mutilated.

(10) Any other provision valid under the Constitutions of the State of California and the United States of America which the Board deems necessary or desirable to facilitate the issuance and sale of said bonds or for the protection of holders thereof.

Such ordinance shall be subject to referendum in the manner that other ordinances of the City are subject to referendum. The ordinance authorizing the issuance of said bonds and all other ordinances, resolutions or orders in the proceeding for the issuance of said bonds shall constitute a contract with the holders of the bonds and such contract may be enforced by any holder by mandamus, injunction, or any applicable legal action, suit, proceeding, or other remedy.

Section 1414. Revenue Bonds: Limitations.

The following limitations shall apply to the issuance of bonds under this Article:

(1) Said bonds shall be payable within not more than forty years from the date of issue thereof, and not less than one-fortieth part of the whole of any issue of bonds shall be payable annually beginning not later than ten years from the date of such issue.

(2) Said bonds shall be designated "Revenue Bonds" and each bond shall state on its face that it does not constitute an indebtedness of the City of Pasadena but is an obligation payable, principal and interest, only from the Revenue Fund of the utility for which the proceeds of the bonds will be used.

(3) Said bonds shall be sold only at public sale following such notice as the Board by resolution or order may prescribe; provided, however, that if no satisfactory bid is received pursuant to such notice the Board may reject all bids received, if any, and thereafter sell said bonds at public or private sale; provided, further, that the provisions of this subsection shall not apply to the exchange of any refunding bonds. Any such revenue bonds may be sold at a fixed rate of interest or the bidders may be invited to state the rate or rates of interest at which they will purchase said bonds, but no rate on any of the bonds shall exceed the maximum rate stated in the ordinance authorizing the issuance of such bonds. If the bidders are invited to state the interest rate or rates, then upon the acceptance of a bid the Board shall by resolution or order, which shall not be subject to referendum, fix such interest rate or rates as have been bid by the successful bidder as the rate or rates of interest on the bonds

(4) Said bonds shall be sold for not less than par and accrued interest to date of delivery. The proceeds from the sale (except premium and accrued interest which shall be paid into the Bond Service or other fund designated or established for the payment of principal and interest of the bonds) shall be paid into the construction fund designated by the ordinance authorizing the issuance of such bonds, and not into the "Water Fund" or the "Light and Power Fund", and shall be applied exclusively to the objects and purposes set forth in such ordinance; provided, however, (a) that the Revenue Fund from which the bonds are payable may be reimbursed from such proceeds for expenditures for purposes for which the bonds were issued made from such Revenue Fund after the ordinance authorizing the issuance of such bonds became effective; (b) that said proceeds may be used for the payment of interest on said bonds during the period of acquisition and construction and for the first six months thereafter; and (c) that when the objects and purposes for which the bonds were issued have been accomplished any remaining unexpended funds derived from the sale of said bonds shall be used for the payment of the principal and interest of said bonds.

Section 1415. Refunding Bonds. Refunding bonds may be issued for the purpose of refunding any revenue bonds issued pursuant to this Article, and such refunding bonds may be issued in principal amount sufficient to refund the outstanding bonds proposed to be refunded thereby, including payments of accrued interest and of any premiums thereon. Refunding bonds shall be authorized, issued, and sold in the manner provided for the sale of other revenue bonds hereunder, or may be exchanged for the outstanding bonds to be refunded upon such terms and conditions as may be stated in the ordinance authorizing such refunding bonds.

Section 1416. Revenue Bond Proceedings: Effect of. To the extent that any provision of an ordinance authorizing the issuance of bonds pursuant to this Article or any provision of any ordinance, resolution or order pertaining to such bonds adopted pursuant to the authority of this Article is inconsistent with any of the provisions of any other Article of this Charter, the provisions of such ordinance, resolution, or order shall control so long as any of the bonds and interest coupons to which the same pertain are outstanding and unpaid. No bond shall be deemed to be outstanding and unpaid within the meaning of this Article if moneys for the purpose of paying the same or redeeming the same prior to maturity and sufficient therefor have been irrevocably set aside in a Bond Service Fund, sinking fund, redemption fund, or other trust fund created to insure the payment or redemption thereof.

Article XV The Fire and Police Retirement System

Section 1501. Retirement System Established. In order to continue in force, with such modifications as are set forth in this Article, provisions already existing for retirement and death benefits for members of the Fire and Police Departments of the City, the Pasadena Fire and Police Retirement System, hereinafter referred to as the Retirement System or the System, is hereby established. The legislative body of the city may exclude from membership in the Retirement System persons employed on a temporary or part-time basis, but for the purpose of the Retirement System, persons serving a probationary period requisite to appointment to a regular position shall not be considered as on a temporary basis. The legislative body by a vote of not less than five (5) of its members, is hereby empowered to enact any and all ordinances necessary to carry into effect the provisions of this Article provided that the said legislative body, through the Retirement Board, shall secure an actuarial report of the cost and effect of any proposed change in the benefits under the Retirement System, before the adoption of an ordinance to submit any proposed Charter amendment providing for such change.

Section 1502. Retirement Board. The Retirement System shall be managed by a Retirement Board hereby created, which shall be the successor to and have the powers and duties

of the Fire and Police Pension Board of the City of Pasadena, heretofore created and effective and now by this Article superseded by the Retirement Board. The Retirement Board shall consist of one member of the legislative body of the city to be selected by and to serve at the pleasure of the said legislative body, two qualified electors of the City of Pasadena not connected with the government thereof, to be appointed by the legislative body, and two members elected under the supervision of the Retirement Board from the active members of the Retirement System, who shall not include persons retired under the Retirement System or under any other Municipal, County or State retirement or pension plan, provided that, immediately after the effective date hereof, the chairman of the said legislative body shall appoint two members from such active members of the Retirement System to serve until the election of such two members, which shall not be more than six months after the effective date hereof, hereby defined as the first day of the July next following ratification of this amendment by the Legislature. One of such two members shall be a member of the Fire Department and one a member of the Police Department, and the election of each of such two members shall be confined to the group from which he must be chosen. The term of office of the four members, other than the member appointed from the legislative body of the City shall be four years, one term expiring each year, provided that immediately after the election of the two members from the Fire and Police Departments, they shall draw lots for terms of one, two, three and four years, respectively. The members of the Retirement Board shall serve without compensation. The Retirement Board shall appoint a secretary to hold office at its pleasure, and when necessary employ a consulting actuary.

The Retirement Board shall have the sole power and authority under such general ordinances as may be adopted by the legislative body to hear and determine all facts pertaining to applications for and awards of any benefits under the Retirement System, or any matters pertaining to the administration thereof. Said Retirement Board shall have exclusive control of the administration and investment of such fund or funds as may be established and all investments shall be subject to the same terms, limitations and restrictions as are imposed by the Constitution and laws of the State upon the investment of the State Employees' Retirement System Funds, as now enacted or hereafter amended.

Disbursement of retirement funds shall be made upon demands duly audited in the manner prescribed in this Charter for disbursement of public funds. The City Treasurer shall be the custodian of any such retirement funds, subject to the control of the Retirement Board as to the administration and investment of said funds.

Section 1503. Actuarial Tables, Rates and Valuations. The mortality, service and other tables and rates of contribution for members as recommended from time to time by the

actuary and the valuations determined by him from time to time and approved by the Retirement Board shall be final and conclusive and the Retirement System shall be based thereon. The total amount, as determined by the actuary and approved by the Retirement Board, of the contributions required during any fiscal year of the city under the Retirement System, shall be paid into the Retirement Fund by the City during such year. Liabilities accruing under the Retirement System because of service rendered to the city prior to July 1, 1935, and because of deaths and disability retirement of members, not met by members' contributions, and administrative costs under the system, shall be met by contributions to the Retirement Fund by the city, in addition to any amounts contributed to meet liabilities accruing because of service rendered by persons after becoming members of the System, provided that such prior service liabilities may be met by annual appropriations instead of by one appropriation for the total amount of the liabilities; and provided further, that such appropriation for any one year shall be not less than the total amounts disbursed during that year on account of either or both of (a) prior service, and (b) death and disability benefits not provided by members' contributions.

In addition to other contributions required of the city under the System, the city shall contribute to the Retirement Fund such sums as may be necessary when added to the members' contributions provided for in Section 1509 of this Article, to provide that portion of service retirement allowances, including continuances of such allowances, which is based on service rendered after June 30, 1935. Such sums shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total members' compensation paid during said year, said percentage to be the ratio of the value at the effective date hereof or at the date of the last valuation prior to said date, or at the later date of a periodical actuarial valuation and investigation into the experience under the System as provided by the Charter and by ordinance, of such allowances thereafter to be paid to or on account of persons who were members from contributions of the city, less the amount of such contributions, with accumulated interest thereon, then held by said System to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value at said respective dates of compensation thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed by the Board on the basis of said values determined in said periodical actuarial valuation and investigation into the experience under the System.

The percentage to be used shall be ten and sixty-six hundredths per cent (10.66%) until redetermined by the Retirement Board on the basis of the periodical investigation and actuarial valuation under the System.

Periodically, at periods fixed by the legislative body, the Retirement Board shall make an actuarial investigation into the mortality, service and other experience under the System, and, further, shall make an actuarial valuation of the assets and liabilities of the System, and upon the basis of such investigation and valuation as interpreted by the actuary, any necessary revision of the tables and rates being used under the System shall be made by the Retirement Board No adjustment will be included in members' new rates of contribution resulting from said periodical investigation, Charter or ordinance amendments, or other cause, for time prior to the effective date of such new rates.

This amendment shall become effective and operative on the first day of July 1955

Section 1504. Definitions: "Compensation", as distinguished from benefits under the Workmen's Compensation, Insurance and Safety Act of the State of California, shall mean the remuneration prescribed by the city in cash, without deduction except for absence from duty, for time during which the individual receiving such remuneration is in the employ of the city in either or both the Fire and Police Departments. Compensation based on overtime put in by a member shall be excluded from all computations in which compensation is a factor.

"Service" shall mean time during which an individual is employed in either or both the Fire and Police Departments of the city for compensation. Absence from duty without compensation due to any cause other than disability retirement as hereinafter provided, shall not be deemed service for the city. The legislative body, however, may fix the number of months per year to be required for a year of service and proportionate parts thereof, but not more than one year shall be credited for all service in any year.

"Compensation earnable" shall mean the compensation as determined by the Retirement Board, which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates attached to the ranks or position held by him during such period. The computation for any absence of a member shall be based on the compensation earnable in the rank or position held by him at the beginning of the absence, and that, for time prior to becoming a member of the Fire or Police Department, shall be based on the compensation earnable by him in the rank or position first held by him in such Department.

"Retirement allowance", "death allowance" or "allowance" shall mean equal monthly payments for life unless a different term of payment is provided by the context, provided that

any person to whom or on whose account benefits are payable, may elect to have the actuarial equivalent of that portion of such benefits which is not continued automatically to his surviving wife or children, paid in different form, all subject to such restrictions, regulations and conditions as may be prescribed by the legislative body, but the action of the legislative body shall not prevent such benefits when elected by a member, from taking the form of cash refund annuities, as applied to the member's accumulated contributions only, or reversionary annuities, these terms to have the meaning commonly accepted in standard life insurance practice.

"Annuity" shall mean equal monthly payments for life, unless a different term of payment is provided by the context, derived from contributions made by the member.

"Final compensation" shall mean the highest average monthly compensation earnable by a member during any period of three consecutive years. In the calculation of "final compensation", 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 the computation of final compensation. If a break in service exceeded six months in duration, only the first six months thereof and the compensation earnable during those six months shall be included in the computation of final compensation. For the purposes of this paragraph, absence from duty without compensation, because of disability retirement, is not a break in service.

Allowances which were effective, because of a member's retirement or death before retirement, after July 31, 1957 and prior to the effective date hereof shall be adjusted to the new basis provided herein. (This amendment shall become effective and operative on the first day of July, 1960.)

"Employee" shall mean "officer or employee."

"Member" shall mean a member of the Retirement System unless clearly indicated otherwise.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

The disability referred to herein as a basis for retirement shall mean disability of permanent duration, except disabilities determined by the Retirement Board, predicated upon best medical opinion, to be of an extended and indefinite duration.

For the purposes of the Retirement System, ages of both members and beneficiaries used in the calculation of allowances shall be taken to the next lower completed quarter year.

Any fire or police service performed outside the limits of the city by a member of the Retirement System under the orders of a superior officer of any such member, shall be considered as performed within the scope of his employment, and any disability or death incurred therein shall be covered under the provisions of the Retirement System.

For the purposes of the Retirement System "member of the Fire Department" or "member of the Police Department" shall include any officer or employee of either of such departments whose principal duties are to prevent and extinguish fire or to preserve the peace, prevent injury to life and property, or to suppress crime or disorder, and shall exclude persons whose principal duties are those of telephone operator, clerk or stenographer, machinist or mechanic, or other similar duties clearly not falling within the foregoing regular fire or police duties, even though such persons may be called upon occasionally to perform such regular fire or police duties; provided that the foregoing exclusions shall not apply to members of the Fire Department qualifying as firemen, hosemen or higher rank, or to members of the Police Department qualifying as patrolmen or higher rank, or male employees of the Police Department assigned to the Identification Department and subject to assignment to patrolmen's duties, who, at the date of the adoption of this Charter amendment, are assigned, or thereafter shall be assigned, to perform any of the above excluded duties. After the effective date hereof, the maximum age at which any person, except a person employed as Chief of the Fire Department or Chief of the Police Department, may become members of either the Fire or Police Department, shall be thirty years notwithstanding any of the other provisions of this Charter.

Section 1505. Age Exception for Temporary or Part-Time Employees. As an exception to the maximum age requirement of the preceding section, if the City Manager finds that persons under thirty-one years of age are not available for membership in either of said departments because of conditions brought about by war, he may employ a person over thirty years of age in either of said departments on a temporary or part-time basis and such person shall not be entitled to membership in the Retirement System. Authority given to the City Manager under this Section shall terminate after the expiration of one year after the end of the war on a date to be determined by the legislative body of the city.

Section 1506. Restrictions on Retired Persons. No person retired for service or disability receiving a retirement allowance under the Retirement System shall serve in any appointive position in the service of the city, including memberships on Boards or Commissions, nor shall such person receive any payment for service, except in an elective office, rendered to the City after retirement, provided that service as an election officer or juror shall not be affected by this section

Section 1507. Reduction of Benefits. That portion of any allowance or other benefit which is provided by contributions of the City, payable by the Retirement System because of the death or retirement of any member, shall be reduced, in the manner fixed by the legislative body, by the amount of any pension, except social security payments or pensions paid on account of service in the military or naval forces of the

United States, paid to or on account of the death of such member, from funds of the United States, State of California or any political subdivision thereof, on account of, or on the basis of service credited under the Retirement System. (This amendment shall become effective and operative on the first day of July, 1960.)

Section 1508. Existing Pensions Continued. Pensions existing in favor of or on account of members of the Fire or Police Departments at the time of the effective date of this Article, shall be continued in force subject to change under the provisions of Section 1509 hereof, such pensions, however, shall be paid by the Retirement System.

Section 1509. Benefit and Contribution Requirements. Persons who shall be members of the Fire or Police Departments on the effective date hereof shall become members of the Retirement System upon such date, and persons who shall become members of the Fire or Police Departments after the effective date hereof, shall become members of the Retirement System forthwith, subject to the following provisions, in addition to the provisions contained in Sections 1501 to 1507 both inclusive, of this Article.

(a) Members of the Retirement System may retire for service at their option upon attaining age fifty-one but only after rendering at least twenty years of service. Upon such retirement, a member shall receive a retirement allowance calculated as provided in subsection (b) of this section, except that if a member retires before attaining age fifty-five, his retirement allowance shall be reduced to that amount which the value at his retirement of such retirement allowance deferred to age fifty-five, will provide at his age at the time of such retirement. Any provision of subsection (b) of this section inconsistent with the sentence immediately preceding is hereby superseded for the purpose of interpreting said sentence.

Dismissal of a member from service for any cause after he has qualified as to age and service for service retirement shall not deprive such member of the right to retire for service.

Any member of the System shall be retired for disability, regardless of age or amount of service, if incapacitated for the performance of duty as the result of an injury or illness incurred in the performance of duty. Any member incapacitated for the performance of duty by reason of a cause not included under the provisions of the immediately preceding sentence, shall be retired regardless of age but only after ten years of service to the city in either or both of said departments.

Retirement shall be compulsory at the age of sixty years, provided that a chief of the Fire Department, a chief of the Police Department, or the Assistant Director of Civil Defense holding such office on January 1, 1967, who attains the age of sixty years, as a member of the System, may be retained in service as such chief, or such Director, at the option of the City Manager, but such retention shall not extend beyond the

age of sixty-five years. Such retained chief or retained Director shall continue to be a member of the Retirement System.

(b) Upon retirement for service, a member shall receive a service retirement allowance equal to the same percentage of his final compensation for each year of service rendered by him in the Fire or Police Department, as the contributions of the member and the city are calculated to provide upon retirement for service at fifty-five years of age, or upon completion of twenty years of service at an age higher than fifty-five years, for each year of service as a member. Upon the death of the retired member, two-thirds of the retirement allowance shall be continued throughout life or until remarriage, to his surviving wife, to whom he was married at least one year prior to his retirement, provided said wife is of the same age as said member. If said surviving wife is of a greater or less age than said member, then such portion of the retirement allowance shall be continued to her throughout her life or until her remarriage, as the amount which would have been necessary at retirement to provide for the continuance after said member's death of two-thirds of the entire allowance to a surviving wife of the same age as the said member, will provide when applied at the time of retirement, according to tables and rates recommended by the actuary and approved by the Retirement Board to provide a retirement allowance to begin at the death of the retired member and continue throughout the life of the surviving wife. If there be no such surviving wife or if she die or remarry before any unmarried child of such deceased member shall have attained the age of twenty-one years, then the allowance which would have been paid to her had she qualified and lived and not remarried, shall be paid to such child or children under said age collectively, to continue until every such child dies, attains said age or marries, provided that no child shall receive any allowance after attaining the age of twenty-one years or marriage. If payment of the allowance be stopped because of marriage of the widow or attainment of the age of twenty-one by or marriage of a child before the sum of the monthly payments made shall equal the sum of the retired member's dependent contributions, with interest thereon, as it was at his retirement, then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share alike, provided that this sentence shall be of no effect if there be no wife at the time of retirement who qualified for the continuance of an allowance to her after the death of the said member.

Upon retirement for disability resulting from injury or illness incurred in performance of duty, a member shall receive a disability retirement allowance of fifty per centum of his final compensation. Upon the death of the retired member, the retirement allowance shall be continued, throughout life or until remarriage, to the surviving wife, to whom he was

married at least one year prior to his retirement. If there be no such surviving wife or if she die or remarry before any unmarried child of such deceased member shall have attained the age of twenty-one years, then the allowance shall be continued to such child or children under said age collectively, to continue until every such child dies, attains said age or marries, provided that no child shall receive any allowance after attaining the age of twenty-one years or marriage. If payment of the allowance be stopped because of marriage of the widow or attainment of the age of twenty-one years by or marriage of a child before the sum of the monthly payments made shall equal the sum of the retired member's dependent contributions, with interest thereon, as it was at his retirement, then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share alike, provided that this sentence shall be of no effect if there be no wife at the time of retirement who qualifies for the continuance of an allowance to her after the death of the said member. (This amendment shall become effective and operative on the first day of July, 1960.)

Upon retirement for disability resulting from any cause not included in the immediately preceding paragraph, a member shall receive a disability retirement allowance of one and one-half per centum of his final compensation multiplied by the number of years of service in either or both the Fire and Police Departments credited to him, if such allowance exceeds one-fourth of his final compensation; otherwise one and one-half per centum of his final compensation multiplied by the number of years which would be creditable to him were his service to continue until his attainment of the age of fifty-five years, but such allowance shall not exceed one-fourth of his final compensation.

If the disability for which a member was retired shall cease, his allowance shall cease, and he shall be reinstated at the rank and in a position of the same grade as that he occupied at the time of his retirement. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at that time, as based on a disabled life, but not exceed the amount of his accumulated contributions at the time of his retirement for disability. The amount so credited to his individual account shall be administered as contributions deducted from the member's compensation. Upon retirement at any time thereafter, he shall receive credit as service for the time during which he was retired for disability, but he shall not be required to make contributions for such time. If following reinstatement, he does not enter upon the duties of his position, and is not qualified for service retirement, he shall be subject to subsection (e) of this Section 1509.

To the allowances provided in this section, shall be added the annuity which the accumulated additional contributions

of the retiring member will provide when applied in the same manner as his normal contributions.

(c) Upon the death of a member, before retirement and except as provided in subsection (e) of this Section 1509, the Retirement System shall be liable for a death benefit, which, if an amount be due under either paragraph (3) or paragraph (4) next following, and if there be a surviving wife or surviving children, shall be paid in monthly installments and to the surviving wife and children as prescribed therein, otherwise the amounts due under paragraphs (1) and (2) shall be paid as prescribed therein, and such death benefit shall consist of:

(1) His accumulated contributions, to be paid to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the Retirement Board, and in addition thereto,

(2) An amount equal to his compensation earnable during the six months immediately preceding his death to be paid only to his surviving wife, his child or children or his dependent father or mother, and if in the opinion of the Retirement Board, death be the result of injury or illness incurred in the performance of duty, in addition thereto,

(3) An amount sufficient, when added to the amounts provided in (1) and (2) but excluding his accumulated additional contributions, to provide when applied according to tables and rates recommended by the actuary and approved by the Retirement Board, a monthly death benefit allowance, equal to one-half of his final compensation, to be paid to the surviving wife to whom said member was married at the time of sustaining the said injury, to continue throughout her life or until her remarriage; or if there be no such widow, or if the widow die or remarry before any unmarried child of such deceased member shall have attained the age of twenty-one years, then to such child or children under said age collectively, to continue until every such child dies, attains said age or marries, provided that no child shall receive any allowance after attaining the age of twenty-one years or marriage. If payment of the allowance be stopped because of marriage of the widow or attainment of the age of twenty-one years by or marriage of a child before the sum of the monthly payments shall equal the sum of the amounts provided in the next preceding paragraphs (1) and (2), then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share alike. If, in the opinion of the Retirement Board, death be not the result of injury or illness incurred in the performance of duty, and if said member be qualified at the date of death for retirement for service under subsection (a) of this Section, then, at the option of the qualifying surviving wife, in addition to the amounts provided in said paragraphs (1) and (2),

(4) An amount sufficient, when added to the amounts provided in said paragraphs (1) and (2), but excluding his accumulated additional contributions, when applied according to the tables and rates recommended by the actuary and approved by the Retirement Board, to provide an allowance to be paid to the surviving wife to whom said member was married at least one year prior to his death, to be equal in amount to the allowance which would have been payable to her if the said member had retired for service at the time of his death and had died instantly thereafter, and to continue throughout her life or until her marriage, or if there be no surviving wife, or if she die or remarry before any unmarried child of such deceased member shall have attained the age of twenty-one years, then to such child or children under said age collectively, to continue until every such child dies, attains said age, or marries, provided that no child shall receive any allowance after attaining the age of twenty-one years or marriage. If payment of the allowance be stopped because of marriage of the widow or attainment of the age of twenty-one years by or marriage of a child before the sum of the monthly payments made shall equal the sum of the amounts provided in the next preceding paragraphs (1) and (2), then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share alike.

(d) The normal contributions which shall be derived by the application of the members rate of contribution to his compensation, and shall be required as a deduction from the compensation of each member throughout his membership shall be such as, on the average for such member, if his service on full salary be uninterrupted and when accumulated with interest, added to equal accumulated contributions of the city and applied according to the tables and rates recommended by the actuary and approved by the Retirement Board as hereinbefore provided, will provide a retirement allowance upon retirement for service at the age of fifty-five years, or upon completion of twenty years of service at an age higher than fifty-five years, equal to one-half of his final compensation, less that part of the retirement allowance set forth in the first sentence of subsection (b) of this Section 1509, which is to be provided by contributions of the city on account of service rendered prior to July 1, 1935.

The dependent contributions which shall be derived and required in the same manner as normal contributions of each male member throughout his membership in addition to the normal contributions, shall be such as would be necessary to provide on the average for each such member, on the date of his service retirement at fifty-five years of age, or upon completion of twenty years of service at an age higher than fifty-five years, when accumulated with interest and applied according to the tables and rates recommended by the actuary and approved by the Retirement Board, for the continuance after

his death and throughout the life of a surviving wife whose age at such date is the same as the age of said member, of two-thirds of the retirement allowance provided by his accumulated normal contributions upon said retirement at fifty-five years of age, or at said higher ages. If at the date of retirement for service or retirement for disability resulting from injuries received in performanec of duty, said member has no wife who qualifies under this Charter for the continuance of an allowance to her after the death of said member, or upon retirement for disability resulting from other causes regardless of his marital condition, the said dependent contributions with accumulated interest thereon shall be paid to him upon said date, or at his option, applied in the same manner as additional contributions, to provide for him an annuity which shall be added to his retirement allowance.

Members may make contributions in addition to and in the same manner as the normal and dependent contributions provided for in the two immediately preceding paragraphs, to provide additional benefits, but the city shall not contribute any amount on account of such members' additional contributions. Such additional contributions shall be administered in the same manner as the normal contributions.

(e) Should any person who is a member under the provisions of this Section be separated from service of the city through any cause other than death or retirement, then all of his contributions, with interest, shall be refunded to him, provided that if such a member is entitled to be credited with at least ten years of service, he shall have the right to elect within ninety days after said termination of service, whether to allow his accumulated contributions to remain in the Retirement Fund. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. Such election shall become void upon such person's employment in a position requisite for membership in this System, and may be revoked by such person at any time prior thereto. Upon such revocation, his accumulated contributions shall be refunded to him. A member whose membership continues under this section is subject to the same age requirement as applies to other members for service retirement, but he is not subject to a minimum service requirement. After the qualification of such member for retirement by reason of age for retirement for service, and only then, he shall be entitled to receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the employer contributions held for him, and calculated in the same manner as for other members. Upon the death of such a member prior to retirement under this section, the Retirement System shall be liable for a death benefit consisting of his accumulated contributions, to be paid to his estate or to such persons having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the Retirement

Board. If he shall again become a member of the Retirement System, he shall deposit in the Retirement Fund, the amount refunded to him plus an amount equal to the additional interest that would have been credited to his account had such contributions not been withdrawn. His rate of normal contribution for the future shall be based on an age determined by adding the number of completed years of his absence from membership in the System after the earliest termination of his membership included in such election and payment, to the age upon which his normal rate of contribution, as it was prior to such termination, was based. The same percentage of his final compensation per year of service which, prior to such termination, his contributions and those of his employer were calculated to provide upon retirement for service at his lowest optional service retirement age without reduced benefit, shall be used in the calculation of his normal rate of contribution at reinstatement.

(f) The contributions made under this section shall be credited to the individual account of the member from whose compensation they were deducted, and no amendment to this Charter or repeal thereof shall prevent the payment to the member or his beneficiary, of such contributions made prior to the effective date of such amendment, with interest, upon separation, by other than retirement, from service of the city as provided in this Section, or the application of such contributions, with interest, toward providing the member's retirement or death allowance, as the case may be.

(g) Every retirement and death allowance payable for time commencing on said effective date, to or on account of a person who died as a member or retired on or after July 1, 1935, and prior to the effective date of this section, is hereby increased to the amount it would be if the provisions of Section 1509 as they exist on said effective date, had been in effect on the date of the actual death or retirement of such person. This subsection does not authorize any decrease in any such allowance, nor does it give any person whatever, any claim against the Retirement System for any increase in any allowance paid or payable for time prior to its effective date. Calculation of allowances under this section shall be made on the basis of current interest rate and mortality tables.

(This amendment shall become effective and operative on the first day of July, 1960.)

Section 1510. Military Leave of Absence. Contributions and Credits. The time during which a member is or has been on military leave of absence from duty shall be considered service for the city. Any member on or who has been on military leave of absence from duty may make payments to the Retirement Fund of all or any part of the normal and dependent contributions which would have been deducted from his compensation had he been on duty. The legislative body by ordinance shall determine how and when such pay-

ments shall be made. All such payments shall be matched by contributions of the city to the Retirement Fund and such member shall receive credit for such payments and matching contributions of the city.

Section 1511. Election to Join State Employees' Retirement System. The legislative body of the City shall have the power to authorize any member of the Retirement System to join the State Employees' Retirement System, provided the membership of the Retirement System has first complied with any election requirements or other conditions prescribed by the State Employees' Retirement System Act, as now enacted or hereafter amended."

Proposition "J"

That Sections 1202 and 1204 of Article XII of the Charter be amended to read:

"Section 1202. District Primary Elections. On the sixth Thursday preceding the general municipal election, a primary nominating election shall be held in those districts of the City wherein the terms of office of Board members expire in that year for the purpose of nominating candidates to be voted on at the general municipal election, and for such other purposes as the Board may prescribe.

Section 1204. Candidates. The two persons receiving the highest number of votes at the primary election for the candidates for office of Board member from that district shall be the candidates for that district, and only their names shall be printed upon the ballots to be used at the general municipal election. Any person who, at the District Primary Election, shall receive 60 percent of the total vote cast in his district shall be the only candidate whose name shall appear on the ballot to be used at the general municipal election for that office."

That we have compared the foregoing amendment with the original proposals proposed by Ordinance No. 4861 to be submitted to the electors of said city, and find that the foregoing is a full, true, correct and exact copy thereof.

That as to said amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Pasadena to be affixed hereto this 26th day of June, 1968.

(SEAL)

C. BERNARD COOPER
Chairman of the Board of Directors
of the City of Pasadena
HARRIETT C. JENKINS
City Clerk

103—3466

and

WHEREAS, Said proposed amendments to the Charter of the City of Pasadena, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Pasadena, as proposed to, adopted and ratified by the qualified electors of said City of Pasadena, as hereinabove fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to and as parts of the Charter of the City of Pasadena.

RESOLUTION CHAPTER 168

Assembly Concurrent Resolution No. 18—Relative to state air pollution.

[Filed with Secretary of State July 10, 1968.]

WHEREAS, It is the expressed intent of this Legislature that the people of the State of California have a primary interest in the quality of the physical environment in which they live; and

WHEREAS, The State Air Resources Board is charged by this Legislature and the people of the State of California with the responsibility of protecting and preserving the air quality of this state; and

WHEREAS, It is the declared policy of this Legislature in the Mulford-Carrell Act that there should be a single state agency for the administration, research, establishment of standards, and the coordination of air conservation activities carried on within this state; and

WHEREAS, This Legislature continues to recognize that it is vital to the success of the State Air Resources Board's objectives that there be a coordinated effort toward controlling air pollution; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Air Resources Board is requested to submit to the Speaker of the Assembly and the President pro Tempore of the Senate not later than January 1, 1969, a report as to the extent to which the state's air pollution effort has been coordinated through the State Air Resources Board, together with such proposed legislation to facilitate the

effective coordination of air conservation activities within the state as the board may deem appropriate; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Air Resources Board.

RESOLUTION CHAPTER 169

Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 12 to Article XIII thereof, relating to allocations of state funds to local government.

[Filed with Secretary of State July 10, 1968.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1968 Regular Session commencing on the eighth day of January, 1968, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 12 to Article XIII thereof, to read:

SEC. 12. Money allocated by the Legislature from the State General Fund to any county, city and county, or city may be used when specified by the Legislature for county, city and county, or city purposes, as the case may be.

RESOLUTION CHAPTER 170

Assembly Concurrent Resolution No. 13—Relative to the State Air Resources Board.

[Filed with Secretary of State July 10, 1968.]

WHEREAS, It is the expressed intent of the Legislature of the State of California that the people of this state have a primary interest in the quality of the physical environment in which they live; and

WHEREAS, Pollution of the atmosphere by the waste and refuse of civilization is creating a situation which is detrimental to the health, safety, welfare, and sense of well-being of the people of the State of California; and

WHEREAS, This Legislature will not tolerate the continued acts of indifference, negligence, and total disregard for the health and welfare of our citizenry by those polluting the air we breathe; and

WHEREAS, Extensive hearings, investigations, and personal observations by the Members of this Legislature indicate that there are numerous existing sources of air pollution in need of immediate regulation; and

WHEREAS, A strong and effective control program regulating all sources of pollutants at the state level is essential for the preservation of air as a natural resource, which is fit to breathe, not injurious to our health, or an irritation to our senses; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge the newly created State Air Resources Board to act as rapidly as possible in dividing the state into basins and adopting ambient air quality standards applicable to such basins; and be it further

Resolved, That the members urge the State Air Resources Board to furnish all assistance possible to local governmental officials and bodies in their efforts to establish air pollution control districts; and be it further

Resolved, That the State Air Resources Board is requested to report to the Legislature no later than January 1, 1969, on the progress made in complying with the contents of this resolution; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Air Resources Board.

RESOLUTION CHAPTER 171

Assembly Concurrent Resolution No. 63—Relating to official designation of Torrance Freeway.

[Filed with Secretary of State July 10, 1968]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That State Highway Route 107, which is from Route 1 near Torrance to Route 405 near Lawndale and is commonly referred to as the "Hawthorne Freeway," is hereby officially designated the "Torrance Freeway"; and be it further

Resolved, That the Division of Highways of the Department of Public Works is hereby requested to erect and maintain appropriate signs on this state highway showing the official designation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 172

Assembly Concurrent Resolution No. 75—Relative to highway directional signing to California universities and colleges.

[Filed with Secretary of State July 10, 1968]

WHEREAS, The problem of highway directional signing and in particular freeway signing is a highly complex and sophisticated procedure; and

WHEREAS, The California universities and colleges are becoming cultural as well as educational centers of the state, with activities attracting visitors from large areas; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Department of Public Works to erect and maintain signs directing the way to each university, college, state college or junior college campus from the nearest state highway intersection or freeway off ramp when (a) a substantial amount of the traffic using the off ramp or cross street is destined for the college, (b) the college successfully competes with other eligible destinations at the location on the basis of traffic service, (c) national standards for freeway signing relative to sign spacing and number of messages are complied with, and (d) adequate followup signing is provided by local authorities to carry motorists to their destinations after leaving the state highway or freeway; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 173

Assembly Concurrent Resolution No. 140—Approving amendments to the Charter of the County of Sacramento, State of California, ratified by the qualified electors of the county at an election held therein on the fourth day of June, 1968.

[Filed with Secretary of State July 10, 1968]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the Charter of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the chairman and clerk of the board of supervisors of the county, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

State of California }
County of Sacramento } ss.

We, Leslie E. Wood, Chairman of the Board of Supervisors of the County of Sacramento, State of California, and Patricia Philbin, Acting Clerk of said Board of Supervisors, do hereby certify and declare as follows:

That the County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the 1st day of July, 1933, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of

the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 27th day of April, 1933, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 11th day of May, 1933.

That the Board of Supervisors of said County, pursuant to the provisions of Section 7½ of Article XI of said Constitution, did by Resolution adopted the 8th day of April, 1968, duly propose to the qualified electors of said County of Sacramento amendments to the Charter of said County, designated as proposed County Charter Amendments A, B, C, D, E and F, and ordered that said proposed amendments be submitted to the said qualified electors of said County at a special election to be held on the 4th day of June, 1968.

That said amendments so proposed were published ten times on the following dates, to wit: April 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, 1968, inclusive, in The Sacramento Union, a daily newspaper of general circulation in said County, printed, published and circulated in said County of Sacramento.

That said Board of Supervisors of said County did, by Ordinance designated as Ordinance No. 979, which was duly adopted on the 8th day of April, 1968, order the holding of a special county election on the 4th day of June, 1968, which said Ordinance was published for five times in The Sacramento Union, a daily newspaper, printed, published and circulated in said County, on the following dates, to wit: April 19, 20, 21, 22, and 23, 1968.

That said special election was held in said County of Sacramento on the 4th day of June, 1968, which said day was not less than thirty days nor more than sixty days after said proposed amendments to said County Charter had been published for ten times in The Sacramento Union.

That the Board of Supervisors of said County of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said election, and did duly declare the result of said special election, as determined from the canvass of the returns thereof.

That at said special election held on the 4th day of June, 1968, said proposed County Charter Amendments A, B, C, D, E and F were ratified by a majority of the electors of said County voting thereon.

That the proposed Amendments were set forth in said Resolution and said Ordinance as follows:

Proposed County Charter Amendment A

That the Charter of the County of Sacramento be amended by amending Sections 24 and 26 as follows:

Amend Section 24, relating to elective County officers, by adding to the list of officers specified therein the following:

A Board of Education which shall be elected as provided by State law.

Amend Section 26, relating to supervisorial appointments, by deleting therefrom the words "a Board of Education,".

Proposed County Charter Amendment B

That the Charter of the County of Sacramento be amended by retitling Article XII, repealing Section 56, and amending the first paragraph of Section 26 as follows:

Amend the title of Article XII to read "Health Services".

Repeal Section 56 relating to the Health Advisory Board.

Amend the first paragraph of Section 26 relating to appointments by the Board of Supervisors by deleting therefrom the words "Health Advisory Board".

Proposed County Charter Amendment C

That the Charter of the County of Sacramento be amended by amending Section 59 to read as follows.

Section 59. Hospital The County of Sacramento shall maintain a general hospital.

Proposed County Charter Amendment D

That the Charter of the County of Sacramento be amended by amending Section 27 and adding Section 27-A as follows:

Amend Section 27, relating to County officers appointed by the County Executive, by deleting therefrom the words "Superintendent of Schools".

Add Section 27-A to read·

Section 27-A. Superintendent of Schools. The Board of Education shall appoint a Superintendent of Schools.

Proposed County Charter Amendment E

That the Charter of the County of Sacramento be amended by amending Sections 26 and 27 as follows·

Amend Section 26, relating to County officers appointed by the Board of Supervisors, by deleting therefrom the words "an Agricultural Commissioner," the words "a Sealer of Weights and Measures," and the words "a County Librarian,".

Amend Section 27, relating to County officers appointed by the County Executive, by adding thereto the words "Agricultural Commissioner and Sealer of Weights and Measures" and the words "County Librarian".

Proposed County Charter Amendment F

That the Charter of the County of Sacramento be amended by amending Sections 21 and 27 as follows:

Amend Section 21, relating to the powers and duties of the County Executive by deleting therefrom subdivision (o), relating to performance of the duties of Purchasing Agent.

Amend Section 27, relating to appointments by the County Executive, by adding thereto the words "Purchasing Agent".

That said Charter Amendments A, B, C, D, E and F so ratified by the electors of said County of Sacramento, are now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and are and shall, if so approved by said Legislature, be in the words and figures as follows:

Section 21 is amended to read:

Section 21. Additional Powers and Duties. In addition to other powers and duties herein provided, it shall be the duty of the County Executive and he shall have the power:

(a) To appoint and to remove, subject to the provisions of this Charter, all appointive officers, deputies, clerks, attaches and other employees, boards and commissions, except as is otherwise provided by law or by this Charter.

(b) To make recommendations to and requests of the Board of Supervisors concerning all of the matters and things which, pursuant to the provisions of this Charter, are to be performed, done or carried out by said Board upon the recommendation or at the request of the County Executive.

(c) To recommend, for adoption by the Board of Supervisors, such measures and ordinance as may to him seem necessary or expedient, and to make such other recommendations to the Board concerning the affairs of the county as may to him seem necessary or expedient.

(d) To prepare and submit to the Board of Supervisors, such reports as said Board may require, with respect to the activities of any office or institution which is, or hereafter may be, under the control or subject to the direction or supervision of the County Executive.

(e) To keep the Board of Supervisors advised of the financial condition and of the needs of the county.

(f) To employ, by and with the approval of the Board of Supervisors, experts and consultants to perform work and advise, in connection with any of the functions of the county, when economically advantageous.

(g) To have charge of all buildings and grounds of the county, and to arrange, by and with the consent of the Board of Supervisors, for adequate facilities for space and equipment necessary or proper in the conduct of any county office or county function.

(h) To prepare, or cause to be prepared, within the limits of his jurisdiction, such plans, specifications and detailed drawings as may become necessary or proper for work which the Board of Supervisors may order to be done, or for material or supplies which said Board may order to be furnished.

(i) To consult with and make recommendations to the Board of Supervisors with respect to the award of public contracts, within the limits of his jurisdiction and to see that all contracts made with the county are faithfully performed.

(j) To temporarily transfer, during periods involving an excess of work, deputies, clerks or employees from one county office or department to another county office or department.

(k) To devote his entire time to the duties and interests of the county.

(l) To perform such other duties as may be lawfully prescribed or required by this Charter, or by ordinance, resolution or order of the Board of Supervisors.

(m) To report to said Board of Supervisors recommendations for improvement in the administration of elective and appointive offices of said county, and concerning the increase or decrease of the number of employees therein.

(n) From time to time recommend to the Board of Supervisors such amendments to this Charter as according to his experience, observation and study will produce more efficient and economical government for the county.

(o) To investigate and recommend to the Board of Supervisors, what, if any, offices of the county may be consolidated to increase the economy and efficient operation thereof.

(p) To set proper schedule of fees to be collected for the verifying, checking and approval by the County Surveyor of maps of proposed subdivisions required by law, and to set rates of charges for such other work as may be now or hereafter required by law, but such rates shall not be less than the prevailing or current rates for similar work.

(q) All formal recommendations of the County Executive to the Board of Supervisors should be in writing.

Section 24 is amended to read:

Section 24. Elective County Officers. The elective county officers, other than members of the Board of Supervisors shall be:

Assessor
District Attorney
Auditor
Sheriff
A Board of Education which shall be elected as required by State law

Section 26 is amended to read:

Section 26. Supervisorial Appointments. The Board of Supervisors shall, subject to the provisions of this Charter, appoint a County Executive, a Board of Law Library Trustees, and a Civil Service Commission.

Notwithstanding any provisions of this Charter to the contrary or inconsistent therewith, the Board of Supervisors may appoint a County Counsel and fix his compensation. The County Counsel shall be duly qualified and licensed attorney

admitted to practice in all of the Courts of the State of California. He shall act as legal advisor and counsel for the various county officers, boards and commissions, as prescribed by general laws. He shall also act as attorney for the Public Administrator in the matter of all the estates under the jurisdiction of the Public Administrator, and in every such matter collect the attorney fees allowed by law and pay same into the County Treasury. The first appointment shall be made from the Civil Division of the District Attorney's Office. If the person appointed has permanent Civil Service status, he shall have the same status as County Counsel. All employees of the Civil Division of the District Attorney's Office shall become employees of the Office of County Counsel and shall retain their civil service status in the same grade and class.

Section 27 is amended to read:

Section 27. County Executive Appointments. The County Executive shall, subject to confirmation by the Board of Supervisors, appoint a:

Coroner	Surveyor
County Engineer	Tax Collector
License Collector	County Clerk
Public Administrator	Treasurer
Recorder	Agricultural Commissioner and
County Librarian	Sealer of Weights and Measures
Purchasing Agent	

and such other officers as are not mentioned in the foregoing Section 26. The Tax Collector shall be ex-officio License Collector. The offices of the Coroner and Public Administrator are hereby consolidated. The offices of Surveyor and County Engineer are hereby consolidated, and the duties required by law to be performed by the Surveyor shall be performed by the Engineer.

If the Board of Supervisors shall, within thirty days after submission by the County Executive of a nominee for confirmation by said Board, fail to take action upon same, said failure so to act shall be conclusively deemed to be, and shall operate as, a confirmation by the said Board.

Section 27-A is added to read:

Section 27-A. Superintendent of Schools. The Board of Education shall appoint a Superintendent of Schools.

The title of Article XII is amended to read:

Health Services

Section 56 is repealed.

Section 59 is amended to read:

Section 59. Hospital. The County of Sacramento shall maintain a general hospital.

That as to said Amendments to the Charter of the County of Sacramento, State of California, this Certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

We further certify that the foregoing proposed and ratified amendments to the Charter of said County of Sacramento, submitted to the electors of said County at the General State Election held on the 4th day of June, 1968, have been compared by us, and each of us, with the proposed amendments set forth in the said Resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth herein are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento, this 21 day of June, 1968.

LESLIE E. WOOD
(SEAL) Chairman of the Board of Supervisors of Sacramento County, California

Attest: PATRICIA PHILBIN
Acting Clerk of the Board of Supervisors of the County of Sacramento, State of California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the County of Sacramento, as proposed to, and adopted and ratified by, the electors of the county, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, as amendments to and as a part of the Charter of the County of Sacramento.

RESOLUTION CHAPTER 174

Assembly Concurrent Resolution No. 148—Approving two certain amendments to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a special municipal election held therein on the fourth day of June, 1968.

[Filed with Secretary of State July 10, 1968.]

WHEREAS, Proceedings have been taken and had for the adoption and ratification of two amendments, hereinafter set

forth, to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the President of the Council of the City of Los Angeles and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

We, L. E. Timberlake, President of the Council of the City of Los Angeles, and Walter C. Thiel, City Clerk of the City of Los Angeles, do hereby certify and declare as follows:

That said City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two million one hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said city at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, P. 1024).

That in accordance with the provisions of Article XI, Section 8 of the Constitution of the State of California, the Council of the City of Los Angeles, being the legislative body of said city, on its own motion, duly and regularly submitted to the qualified electors of the City of Los Angeles certain proposals for the amendment of the Charter of said city to be voted upon by said qualified electors at a certain special municipal election called for such purpose and held on the 4th day of June, 1968, all as required by law, which said proposals were designated as proposed Charter amendments B, C and D respectively.

That on the 19th day of April, 1968, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of April 19, 1968, in "The Los Angeles Daily Journal," a daily newspaper of general circulation printed and circulated in said city, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said city.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and

were mailed to each of the qualified electors of said city; and copies thereof could be had upon application therefor at the office of the City Clerk on and from April 19, 1968, to and including June 4, 1968; and a notice was advertised and published on and from April 19, 1968, to and including June 4, 1968, in "The Los Angeles Daily Journal," a newspaper of general circulation in said city, that copies thereof might be had at the office of the City Clerk of said city upon application therefor.

Such proposed charter amendments were submitted to the electors of said city for adoption and ratification at a special municipal election called for such purpose and held on June 4, 1968, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor of said proposed charter amendments B and D and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of the City of Los Angeles, heretofore certified by him to the Council of said city, and the declaration of the Council of said City of Los Angeles, which pursuant to law met on June 27, 1968, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of the City of Los Angeles, so adopted and ratified by the qualified electors of said city, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Proposed Charter Amendment B

Article XVII of the Charter of the City of Los Angeles is amended by adding Section 186.6 thereto and Article XVIII of said Charter is amended by adding Section 190.105 thereto, to read:

Sec. 186.6. Whenever a member, for overtime work, shall take a period of time off with pay: (a) a deduction for pension purposes shall be made from such pay but only in the same amount as that which would have been deducted from his regular salary if such period had been one of regular work; (b) such pay shall be part of the salary assigned or attached to the rank or position held by him but only in the same amount as that which would have been his regular salary if such period had been one of regular work; and (c) such period shall be part of his years of aggregate service.

Whenever a member, for overtime work, shall receive a cash payment: (a) a deduction for pension purposes shall not be made from such payment; (b) such payment shall not be part of the salary assigned or attached to the rank or position held by him; and (c) the period of overtime work for which

he shall receive such payment shall not be part of his years of aggregate service except that any period of a member's overtime work, for which he shall not have taken time off with pay, shall be credited, by the Board of Pension Commissioners, as part of his years of aggregate service, upon his or his survivor's written request therefor, to the same extent as he would have been entitled to take therefor time off with pay but only to the extent, and not in excess thereof, that he, while a member, shall have had any period of absence from work without pay, provided, however, that such request shall be accompanied with payment of the amount which would have been deducted for pension purposes from his regular salary if the period of overtime work, to the extent credited, had been one of regular work.

Sec. 190.105. Overtime Work.

Whenever a System Member, for overtime work, shall take a period of time off with pay: (a) a deduction for pension purposes shall be made from such pay but only in the same amount as that which would have been deducted from his Monthly Salary and additional monthly pay if such period had been one of regular work; (b) such pay shall be part of his Monthly Salary and additional monthly pay but only in the same amount as that which would have been his Monthly Salary and additional monthly pay if such period had been one of regular work; and (c) such period shall be part of his Years of Service.

Whenever a System Member, for overtime work, shall receive a cash payment: (a) a deduction for pension purposes shall not be made from such payment; (b) such payment shall not be part of his Monthly Salary and additional monthly pay; and (c) the period of overtime work for which he shall receive such payment shall not be part of his Years of Service except that any period of a System Member's overtime work, for which he shall not have taken time off with pay, shall be credited, by the Board of Pension Commissioners, as part of his Years of Service, upon his or his survivor's written request therefor, to the same extent as he would have been entitled to take therefor time off with pay but only to the extent, and not in excess thereof, that he, while a Department Member, shall have had any period of absence from work without pay, provided, however, that such request shall be accompanied with payment of the amount which would have been deducted for pension purposes from his Monthly Salary and additional monthly pay if the period of overtime work, to the extent credited, had been one of regular work.

Proposed Charter Amendment D

Article XVII of the Charter of the City of Los Angeles is amended by adding Section 185.1 thereto and Article XVIII of

said Charter is amended by adding Section 190.021 thereto, to read:

Sec. 185.1. Any person deputized or appointed as a reserve or an auxiliary policeman, police officer or peace officer of the City of Los Angeles to perform police duties or functions upon a part-time basis: (1) shall not be and shall not be deemed to be or to have been a member of the Police Department, as defined in Section 185, for any of the purposes of this article; (2) shall not be entitled, and his widow and any of his surviving minor children or dependent parents shall not be entitled, to the payment of any pension provided for in this article; and (3) shall not have any deductions made for pension purposes from any moneys which shall be paid to him by said City or said department.

Sec. 190.021. Persons Not Entitled to Pensions.

Any person deputized or appointed as a reserve or an auxiliary policeman, police officer or peace officer of the City of Los Angeles to perform police duties or functions upon a part-time basis: (1) shall not be and shall not be deemed to be or to have been a Member of the Police Department or a Department Member or a System Member, as respectively defined in Section 190.02. for any of the purposes of this Article; (2) shall not be entitled, and his surviving spouse and any of his surviving minor children or dependent children or dependent parents shall not be entitled, to the payment of any pension provided for in this Article; and (3) shall not have any deductions made for pension purposes from any moneys which shall be paid to him by said City or said department.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said city and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Los Angeles to be affixed hereto this 27th day of June, 1968.

(SEAL)

L. E. TIMBERLAKE
President of the Council of the City of Los Angeles
WALTER C. THIEL
City Clerk of the City of Los Angeles

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of altera-

tion in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the Charter of the said City of Los Angeles.

RESOLUTION CHAPTER 175

Senate Concurrent Resolution No. 77—Relative to the Sixth District Agricultural Association.

[Filed with Secretary of State July 11, 1968]

WHEREAS, The City of Los Angeles maintains a recreation center upon property owned by the Sixth District Agricultural Association; and

WHEREAS, This recreation center serves as a meeting place for young and old; and

WHEREAS, The Sixth District Agricultural Association has given the city a notice to vacate the property within eight months from April 29, 1968; and

WHEREAS, The association claims the property involved is needed for an exit from other association property; and

WHEREAS, There is presently a filling station located upon the property which could be used for such an exit; and

WHEREAS, The property is greatly needed by the city for its value as a gathering place for the young and senior citizens of the city; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Sixth District Agricultural Association to reconsider its order to the City of Los Angeles to vacate the property of the association upon which the city maintains a recreational center; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Board of Directors of the Sixth District Agricultural Association.

RESOLUTION CHAPTER 176

Senate Concurrent Resolution No. 81—Relative to proclaiming the week of July 21, through July 27, 1968, as Women Marines' Week.

[Filed with Secretary of State July 11, 1968]

WHEREAS, February 13, 1968, marked the silver anniversary of the Women Marines, in that continuous service by

women in the United States Marine Corps dates from the founding of the United States Marine Corps Women's Reserve on February 13, 1943; and

WHEREAS, The 12th day of August, 1968, marks the golden anniversary of the Marinettes of World War I, whose selfless service in 1918 paved the way for the acceptance of women as a permanent, integral part of the United States Marine Corps; and

WHEREAS, During the past quarter of a century, some 25,000 patriotic American women—including many from our own state—have served our country in the uniform of a United States Marine with honor and distinction, earning the right to be known as "Marines", and to share in the proud tradition of their male counterparts; and

WHEREAS, Women Marines today are once again fulfilling their time-honored mission—"Freeing Marines to Fight" in the defense of freedom—and currently form part of the complement of Marines at no less than eight installations within the boundaries of our state; and

WHEREAS, Women Marines — past and present — from throughout these United States will celebrate the above anniversaries at the Fifth National Biennial Convention of the Women Marines Association in San Francisco on July 25, 26, and 27, 1968; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the week of July 21 through July 27, 1968, as "Women Marines' Week"; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 177

Senate Concurrent Resolution No. 83—Relative to Land Surveyor Week.

[Filed with Secretary of State July 11, 1968]

WHEREAS, The land surveying profession has been an important part of the civilized world since man first began to till the soil; and

WHEREAS, The State of California has indeed benefited from the skill and resourcefulness of the land surveying profession since the early surveyors began locating the mining claims of the Gold Rush days and laying out the pueblos of the first California missions; and

WHEREAS, The interests and inherent rights of our citizens to hold title to and to use real property, and to benefit therefrom, are dependent upon the skill of the land surveyor to locate, landmark, and map these properties; and

WHEREAS, The organized land surveying profession in this state has dedicated itself to upholding the public interest above that of individual interests by subscribing to a rigid code of ethics; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature requests Governor Reagan to proclaim the week of August 4 to 10, 1968, as Land Surveyor Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 178

Senate Concurrent Resolution No. 85—Relative to Mosquito Control Week.

[Filed with Secretary of State July 11, 1968.]

WHEREAS, To safeguard the health, and to promote the comfort of the citizens of the State of California, it is essential that the development of improved methods and techniques to control mosquitoes be stimulated, that information on this subject be more widely disseminated, and that closer cooperation among those directly concerned with this problem be established; and

WHEREAS, The California Mosquito Control Association, Inc., representing 60 special county tax-supported mosquito control districts in this state, has a broad program to make Californians aware of the services offered by each district to combat and control mosquito-borne disease; and

WHEREAS, It is essential and imperative that this fight meets with success, if full utilization and enjoyment of personal, recreational, industrial, and agricultural facilities is to be achieved; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is requested to issue a proclamation designating the week beginning July 14, 1968, as "California Mosquito Control Week," and urges the people of California to cooperate at all times, especially that week, with the programs for the combating and control of mosquitoes; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 179

Senate Joint Resolution No. 9—Relative to the operation of foreign domiciled carriers in California.

[Filed with Secretary of State July 12, 1968.]

WHEREAS, Congress has delegated to the Interstate Commerce Commission through Part II of the Interstate Commerce

Act the power and authority to regulate transportation by motor carriers in foreign commerce; and

WHEREAS, Motor carriers domiciled in Mexico are presently performing transportation service in foreign commerce within the territorial limits of the United States and the State of California by transporting goods between California and Mexico; and

WHEREAS, Such motor carriers operating in foreign commerce within the territorial limits of the United States have failed to comply with the requirements of Part II of the Interstate Commerce Act and the rules and regulations promulgated by the Interstate Commerce Commission pursuant thereto; and

WHEREAS, The Interstate Commerce Commission has not required such motor carriers to operate according to such laws and regulations; and

WHEREAS, Such carriers continue to operate outside the scope of applicable federal law and regulation; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to direct the Interstate Commerce Commission to restrain the illegal operation of foreign domiciled motor carriers within the territorial limits of the United States and the State of California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the members of the Interstate Commerce Commission, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 180

Assembly Concurrent Resolution No. 151—Approving amendments to the Charter of the City of Burbank, County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the fourth day of June, 1968.

[Filed with Secretary of State July 15, 1968.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments, hereinafter set forth, to the Charter of the City of Burbank, a municipal corporation, situated in the County of Los Angeles, State of California, as set out in the certificate of the President of the Council of the City of Burbank and the City Clerk of said City as follows, to wit:

State of California
County of Los Angeles } ss.
City of Burbank

We, the undersigned, John B. Whitney, President of the Council of the City of Burbank, State of California, and Marion W. Marshall, City Clerk of said City, do hereby certify and declare as follows:

The City of Burbank, in the County of Los Angeles, State of California, was at all times mentioned herein and now is a City of the State of California existing and acting under a Charter duly adopted and approved under and by virtue of Section 8, Article XI, of the Constitution of the State of California, containing a population of over fifty thousand inhabitants.

In accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion submitted to the electors of said City, at a special municipal election called for that purpose, held within said City on the 4th day of June, 1968, a certain proposed amendment to the City Charter of said City.

Said proposed amendment was published in the Burbank Daily Review, a newspaper of general circulation printed and published in said City and having a general circulation therein, said newspaper being the official newspaper of said City, on the 12th day of April, 1968, in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California.

Said legislative body caused copies of said amendment to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, until the day fixed for said election, advertised in said Burbank Daily Review, a newspaper having a general circulation in said City, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor.

Said election was duly and regularly held on the said 4th day of June, 1968, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendment, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendment to said City Charter.

Said proposed amendment was duly and regularly submitted to, and duly and regularly ratified by, the said qualified voters of said City, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said City have been complied with and that said amendment is as follows:

"Charter Amendment No. 1

"The first sentence of the fourth paragraph of Section 8 of the Charter of the City of Burbank is amended to read as follows:

"Every ordinance shall be introduced and adopted by reading the title only, and shall be read in full only when requested by a majority of the Council."

This is to certify that we, John B. Whitney, President of the Council of the City of Burbank, and Marion W. Marshall, City Clerk of the City of Burbank, have compared the ratified amendment with the original proposed amendment submitted to the qualified electors of the said City, and find that the foregoing is a full, true, correct and exact copy of said amendment.

We further certify that the facts set forth in the preamble preceding said amendment to said Charter is true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Burbank to be attached on this 2d day of July, 1968.

(SEAL)

JOHN B. WHITNEY,
President of the Council of the
City of Burbank, California
MARION W. MARSHALL,
City Clerk of the
City of Burbank, California

and

WHEREAS, Said amendment to the Charter of the City of Burbank so ratified as hereinbefore set forth has been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of Burbank as proposed to and adopted and ratified by the electors of said city and hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration for and as an amendment and as part of the said Charter of the City of Burbank.

RESOLUTION CHAPTER 181

Assembly Concurrent Resolution No. 158—Approving amendments to the Charter of the City of Merced, County of Merced, State of California, ratified by the qualified electors of the city at an election held therein on the fourth day of June, 1968.

[Filed with Secretary of State July 15, 1968.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the Charter of the City of Merced, a municipal corporation in the County of Merced, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF MERCED

State of California }
County of Merced } ss
City of Merced }

We, the undersigned, Ralph H. Shannon, Mayor of the City of Merced and E. Earl Udall, City Clerk of said City, do hereby certify and declare as follows:

That the City of Merced, a municipal corporation in the County of Merced, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders Charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 3,500 and less than 50,000 inhabitants.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion, submitted to the qualified electors of said City, certain proposals for the amendment of the Charter of said City at a special municipal election duly and regularly called and held in said City on the 4th day of June, 1968, said Charter Amendments being hereinafter set forth in full.

That on the 25th day of April, 1968, said City Council caused said Charter Amendments to be duly and regularly published and advertised in each and every edition of said 25th day of April, 1968, in the Merced Sun Star, the official newspaper of said City, printed, published and circulated in said City.

That said special municipal election was duly and regularly held in said City on the date fixed by said Council, to wit, June 4, 1968, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed Charter Amendments, and the returns of said special municipal election were duly and regularly canvassed

and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor and did ratify the Charter Amendments herein specifically set forth.

That said amendments to the Charter of the City of Merced so ratified by the electors of said City are in words and figures as follows:

Section 400 of the Merced City Charter is amended to read as follows:

"Sec. 400. Number and term.

The city council shall consist of seven members elected from the city at large at the times and in the manner provided in this Charter and who shall serve for a term of four years and until their respective successors are elected and qualified, provided, however, that no such member shall be eligible to serve more than two consecutive elective terms.

At any municipal election after the expiration of two years following said two consecutive elective terms, such former member of the city council may again seek election to the city council, subject to the limitations of this section."

Section 408 of the Merced City Charter is amended to read as follows:

"Sec. 408. Special meetings.

Special meetings may be called, at any time by the mayor, or by four members of the city council, by written notice delivered personally to each member at least twenty-four hours before the time specified for the proposed meeting. A special meeting shall also be validly called without the giving of such written notice if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the office of the city clerk at the time of holding such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considerd a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such written notice or consent."

Section 603(f) of the Merced City Charter is amended to read as follows:

"Sec. 603. City attorney; powers and duties.

(f) Prosecute on behalf of the people such criminal cases for violations of this Charter and of city ordinances as in his opinion, or that of the city council, or of the city manager, warrant his attention."

Section 702 of the Merced City Charter is amended to read as follows:

"Sec. 702. Appointments; terms.

The members of each of such boards or commissions shall be appointed by motion of the city council adopted by at least four affirmative votes, and shall be subject to removal by motion of the city council adopted by at least five affirmative votes. The members thereof shall serve for a term of four years

and until their respective successors are appointed and qualified."

Section 702.1 is added to the Merced City Charter which said section reads as follows:

"Sec. 702 1. Limitation of terms.

The members of each of such boards or commissions shall not be eligible to serve more than two consecutive terms. At any time after the expiration of two years following said two consecutive terms, a former member of a board or commission may again be appointed to serve thereon, subject to the limitations of this section."

Section 1109 of the Merced City Charter is amended to read as follows:

"Sec. 1109. Contracts on public works.

Every project involving an expenditure of more than three thousand dollars for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds shall be let by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

The city council may reject any and all bids presented and may re-advertise in its discretion.

The city council, after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the city manager, the work in question may be performed better or more economically by the city with its own employees and after the adoption of a resolution to this effect by at least five affirmative votes of the council may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the city council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by motion passed by at least five affirmative votes of the council and containing a declaration of the facts constituting such urgency."

"Article XIII consisting of sections 1300 and 1301 of the Merced City Charter is repealed."

We further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Merced with the original proposals submitting the same to the electors of said city and find that the foregoing is a full, true and correct copy thereof.

That the proceedings hereinabove set forth were in compliance with the provisions of Section 8, Article XI of the Constitution of the State of California and the laws of the State of California applicable thereto.

That this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the Seal of the City of Merced to be affixed hereto, this 28th day of June, 1968.

(SEAL)

RALPH H. SHANNON
Mayor of the City of Merced
and
E. EARL UDALL
City Clerk of the City of Merced

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Merced, as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of the City of Merced.

RESOLUTION CHAPTER 182

Assembly Concurrent Resolution No. 150—Approving amendments to the Charter of the City of Riverside, County of Riverside, State of California, ratified by the qualified electors of the city at a special election held therein on the fourth day of June, 1968.

[Filed with Secretary of State July 15, 1968.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Riverside, a municipal corporation in the County of Riverside, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF RIVERSIDE.

(Amending Sections 1300, 1302, 1304 and 1306)

State of California }
County of Riverside } ss
City of Riverside }

We, the undersigned Ben H. Lewis, Mayor of the City of Riverside, State of California, and Virginia J. Strohecker, City

Clerk of said City and ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows.

That at all times since the 21st day of April, 1953, the City of Riverside has been and now is a municipal corporation and city in the County of Riverside State of California, containing a population of more than 3 500 inhabitants and organized and existing under a charter adopted pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California and approved by the Legislature by Assembly Concurrent Resolution No. 8, adopted in Assembly January 12, 1953, and in Senate January 15, 1953, and filed with the Secretary of State of February 4, 1953.

That the legislative power of said City is vested in a City Council consisting of seven (7) members; and that the City Clerk of said City is ex-officio Clerk of the legislative body of said City.

There is no official newspaper of said City. The Press hereinafter mentioned is a daily newspaper of general circulation within said City and printed and published therein.

That at all times herein mentioned Ben H. Lewis has been and now is the duly elected, qualified and acting Mayor of said City of Riverside; and Virginia J Strohecker has been and now is the duly appointed, qualified and acting City Clerk of said City.

That the City Council of said City on its own motion by Resolution No. 10967 adopted March 19, 1968, and amended by Resolution No. 10983 adopted April 9, 1968, submitted to the electors of said City a proposal to amend its Charter as hereinafter mentioned, to be voted on as a measure at a special election to be held in said City on June 4, 1968. Said proposal is in words and figures as follows:

City of Riverside—Proposed Charter Amendment

Shall Sections 1300, 1302, 1304 and 1306 of the Charter of the City of Riverside be amended to provide for issuance by the city of water and electric revenue bonds upon recommendation by the Board of Public Utilities, subject to specific limiting conditions and subject to referendum by the voters; and for related public utility matters?

That the City Council caused said proposed charter amendment to be published in The Press on April 24, 1968, and in each edition thereof during said day; and also caused copies of such proposed charter amendment to be printed in convenient pamphlet form in type of not less than 10-point and mailed to each of the qualified electors of said City, and also caused a notice that copies of said proposed charter amendment could be had upon application at the office of the City Clerk of said City to be published in every edition of The Press during the period of time beginning April 24, 1968, through and including June 4, 1968.

That Sections 1000, 1001 and 1002 of the Charter of the City of Riverside provide as follows:

Section 1000. General Municipal Elections.

General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the second Tuesday in April in each odd numbered year commencing with the year 1955.

Section 1001. Special Municipal Elections.

All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

A special municipal election shall be held for the election of the first Mayor and the first members of the City Council under this Charter on the tenth Tuesday following the approval of this Charter by the Legislature.

Section 1002. Procedure For Holding Elections.

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in cities of the sixth class so far as the same are not in conflict with this Charter.

No other procedure has been provided.

That the City Council adopted Resolution No. 10967 ordering, providing for and giving notice of the Special Election to be held in said City on June 4, 1968, and calling for the consolidation of said election with the Primary Election to be held on the same date; and the City Clerk duly published notice of election, which included said charter amendment as a measure, in The Press on April 24, 1968.

That the said Special Municipal Election was consolidated with said Primary Election and said election was duly held on Tuesday, June 4, 1968, and the voters voted on said measure to amend the Charter. On Monday, July 1, 1968, the Board of Supervisors of the County of Riverside met in regular session, at its regular place of meeting, and canvassed the returns of said election and canvassed the absent voter ballots. It was found and determined that the voters voting on said measure at said election cast votes as follows:

	Yes	No
Proposed Charter Amendment	20,919	17,830

That said Proposed Charter Amendment recieved a majority of the votes cast and hence said Charter Amendment was ratified by the vote of a majority of the electors who voted on said measure.

That the City Council thereupon on July 2, 1968, adopted Resolution No. 11040 reciting the fact of said election and the matters enumerated in the Elections Code and the City Clerk thereupon entered upon the records of the City Council a statement of the result of such election.

That the amendments to the Charter so proposed and ratified are in words and figures as follows:

Section 1300. Created; management and control.

There shall be a department of public utilities, which shall be under the management and control of the city manager subject, however, to the powers and duties of the board of public utilities as hereafter set forth in this article. Said department shall include all works owned, controlled or operated by the city for supplying the city and its inhabitants with water and electric energy.

Section 1302. Same-Powers and duties

The board of public utilities shall have the power and duty to:

(a) Consider the annual budget for the department of public utilities during the process of its preparation and make recommendations with respect thereto to the city council and the city manager.

(b) Within the limits of the budget of the department of public utilities, authorize any purchase of equipment, materials or supplies exceeding the sum of Two Thousand Dollars, and authorize the acquisition, construction, improvement, extension, enlargement, diminution, or curtailment of all or any part of any public utility system. No such purchase, acquisition, construction, improvement, extension, enlargement, diminution or curtailment shall be made without such authorization.

(c) Within the limits of the budget of the department of public utilities, make appropriations from the contingency reserve fund for capital expenditures directly related to the appropriate utility function.

(d) Require of the city manager monthly reports of receipts and expenditures of the department of public utilities, segregated as to each separate utility, and monthly statements of the general condition of the department and its facilities.

(e) Establish rates for water and electrical revenue producing utilities owned, controlled or operated by the city, but subject to the approval of the city council.

(f) Approve or disapprove the appointment of the director of public utilities, who shall be the department head.

(g) Designate its own secretary.

(h) Make such reports and recommendations to the city council regarding the department of public utilities as it shall deem advisable.

(i) Exercise such other powers and perform such other duties as may be prescribed by ordinance not inconsistent with any of the provisions of this Charter.

Section 1304. Use of revenue.

The revenue of each public utility for each fiscal year shall be kept separate and apart from all other moneys of the city by deposit in the appropriate revenue fund and shall be used for the purposes and in the order as follows:

(a) For the payment of the operating and maintenance expenses of such utility, including any necessary contribution to retirement of its employees.

(b) For the payment of interest on the revenue bonded debt of such utility. As used in this section 'revenue bonded debt of such utility' means the debt evidenced by revenue bonds, revenue notes or other evidences of indebtedness payable only out of the revenues pertaining to the utility involved, whether the same are issued under the provisions of this Charter or under the provisions of any general law of the State of California.

(c) For the payment, or provision for the payment of the principal of said debt as it may become due, and of premiums, if any, due upon the redemption of any thereof prior to maturity.

(d) For the establishment and maintenance of any reserves for (b) and (c) above.

(e) For capital expenditures of such utility.

(f) For the annual payment by each utility into the general fund in twelve (12) equal monthly installments during each fiscal year, an amount equal to 11.5% of the gross operating revenues, exclusive of surcharges, of each specific utility for the last fiscal year ended and reported upon by independent public auditors.

Section 1306. Creation and refunding of bonded indebtedness of the city pertaining to public utilities owned and operated by the city.

(a) From and after the effective date of this section 1306 no general obligation bonds of the city for which the city is obligated to levy ad valorem taxes upon all taxable property within the city subject to taxation, nor any bonds of the city other than bonds issued under this section 1306, shall be issued or sold for the purposes of the utilities of the city under the management and control of the department of public utilities. Bonds issued by the city under the provisions of this section 1306 shall not constitute or evidence indebtedness of the city but shall constitute and evidence only indebtedness of the utility payable in the manner provided in this section 1306, but not otherwise.

(b) The city shall have the power to borrow money from time to time for the purpose of acquiring, constructing, reconstructing, replacing, extending or improving works for supplying the city and its inhabitants with utility services, and to issue and to sell revenue bonds to evidence the indebtedness created by such borrowing. The city shall also have the power to refund from time to time, whether at or prior to maturity, any outstanding indebtedness evidenced by such revenue bonds and to issue, and to sell or exchange bonds to refund such indebtedness. Refunding bonds which are to be sold may be issued and sold at such time in advance of the time at which the bonds to be redeemed or paid out of the proceeds of such

refunding bonds which are to be so redeemed or paid as the city may determine.

(c) All bonds issued by the city pursuant to this section 1306 shall be, and shall recite upon their face that they are, payable both as to principal and interest and as to any premiums upon the redemption of any thereof prior to maturity out of the revenue fund pertaining to the municipal utility on account of which the indebtedness evidenced by such bonds was created, and not out of any other fund or moneys of the city. This shall not, however, preclude payment of principal, interest or premiums through appropriate reserve funds or special trust accounts, or out of sums received as premiums or accrued interest on the sale, or the payment of principal or premiums out of the proceeds of the sale of refunding bonds issued for that purpose, or the payment out of the proceeds of any bonds of the whole or a part of the interest accruing on said bonds during the period of the performance of work to be paid for out of the proceeds, and for the first six months thereafter, or the payment by the purchasers of any such bonds, or by an entity, public or private, other than the city, in any case where any such purchaser or entity may be guaranteed such payment.

(d) Whenever the board shall propose that the city exercise its power to borrow money or refund indebtedness, pursuant to this section 1306, it shall recommend to the council the authorization of the issuance of bonds for such purpose, which recommendation shall specify:

(1) The purpose for which the proposed bonds are to be issued;

(2) The maximum principal amount of the bonds to be issued;

(3) The maximum term, not to exceed forty (40) years, for which any of said bonds are to run;

(4) The maximum interest rate on such bonds;

(5) The maximum premium, if any, to be payable on the redemption of any such bonds prior to maturity;

(6) The limits within which, in connection with the issuance of such bonds, restrictions may be imposed upon the incurring of additional indebtedness payable out of the revenue fund from which such bonds are to be payable.

Certified copies of such recommendation shall be transmitted to the offices of the mayor, of the city manager, and of the city clerk, and the city clerk shall forthwith present the said recommendation to the council. At any time within such period as may be specified in such recommendation, which shall be not less than thirty (30) days from and after the receipt of such certified copies at such offices, respectively, the council, by majority vote, shall approve or disapprove such recommendation. Concurrent with the approval of such recommendation, the council shall adopt a resolution authorizing the issuance of revenue bonds in accordance with the recommendations of the Board of Public Utilities. Anything in this sub-section of sec-

tion 1306 notwithstanding, in the cases of refunding bonds, the resolution of the council pursuant to this sub-section shall take effect upon its adoption by the council, subject only to the right of referendum herein provided.

Upon any such resolution taking effect subject to the right of referendum, the city clerk shall cause the same to be published by at least one insertion in some daily newspaper published and of general circulation in the City of Riverside. At any time within thirty (30) days of such application, a referendary petition, demanding the submission of such resolution to a vote of the qualified electors of the city for their assent to the issuance of the proposed bonds, may be filed with the city clerk. Except as in this section 1306 otherwise expressly provided, all of the provisions of this Charter related to referendum with respect to ordinances shall apply to any referendum under the provisions of this sub-section. If no such referendary petition is presented within the aforesaid period of thirty (30) days, then upon the expiration of said period, or if the proposition of issuing the bonds specified in the resolution shall be assented to by the voters, the said resolution shall take full and final effect, and the city may proceed in accordance with the provisions of this section 1306 and issue bonds within the terms of said resolution.

(e) Whenever the city shall exercise the power to borrow money, or to refund indebtedness, the board shall determine the amount or amounts required for the purposes for which the money is to be borrowed or required for such refunding. The city council, upon recommendation of the board, may authorize the issuance of bonds in the amount determined provided that no bonds so authorized shall be issued unless the amount of the equity (including surplus arising from contributions in aid of construction) of the utility for the purpose of which such bonds are to be issued, as of the end of the last fiscal year, which ended not less than four months prior to the authorization of the issuance of such bonds derived from the operation of the appropriate utility to which pertains the revenue fund out of which the bonds are to be payable, equals at least 66⅔% of the aggregate of the amount of bonds to be so issued and the amount of revenue bonds outstanding.

The limitation described above shall not be applicable to the issuance of any refunding bonds and the amount of any issue of such refunding bonds may equal, but shall not exceed, the amount required for the payment for redemption of the bonds to be refunded thereby, including the premiums, if any, due upon such redemption, but excluding any interest due upon such redemption.

Any bond for the payment and discharge of which, upon maturity or upon redemption prior to maturity, provision has been made through the setting apart in a reserve fund or special trust account to insure the payment thereof of moneys sufficient for that purpose, or through the irrevocable segregation for the purpose, in some sinking fund or other fund or

trust account of moneys sufficient therefor, shall be deemed to be no longer outstanding within the meaning of any provision of this section 1306.

(f) Each issue of bonds issued pursuant to this section 1306 other than refunding bonds, shall conform to the following requirements:

(1) Such bonds shall be serial bonds or sinking fund bonds, or a combination of serial and sinking fund bonds;

(2) Provision shall be made for the retirement of such bonds through annual payments on principal, and such payments shall begin not more than five (5) years, and end not more than forty (40) years after the date of such bonds;

(3) The amounts of such annual payments of principal shall be such that no such annual payment which shall become due five (5) years or more, after the date of such bonds, shall be less than 50% of any subsequent such annual payment;

(4) All bonds maturing after ten (10) years from their date shall be subject to redemption prior to maturity;

(5) Said bonds shall be sold only by competitive bidding at public sale following such notice as the council by resolution or order may prescribe; provided, however, that if no bid or no satisfactory bid is received pursuant to such notice, the council may reject all bids received, if any, and may, within sixty days thereafter, sell such bonds at public or private sale; provided, further, that the provisions of this sub-section shall not apply to the exchange of any refunding bonds for outstanding bonds. Any such revenue bonds may be sold at a fixed rate of interest or the bidders may be invited to state the rate or rates of interest at which they will purchase said bonds, but no rate of interest on any of the bonds shall exceed the maximum rate stated in the recommendation of the board. If the bidders are invited to state the interest rate or rates, then upon the acceptance of a bid the council shall by resolution or order, which shall not be subject to referendum, fix such interest rate or rates as have been bid by the successful bidder as the rate or rates of interest on the bonds sold.

(6) Said bonds shall be sold for not less than par and accrued interest to date of delivery. The proceeds from the sale (except premium and accrued interest which shall be paid into the bond service or other fund designated or established for the payment of principal and interest of the bonds) shall be paid into the construction fund designated by the resolution providing for issuance of such bonds and shall be applied exclusively to the objects and purposes set forth in such resolution; provided, however,

(a) that the revenue fund of the utility involved from which the bonds are payable may be reimbursed from such proceeds for expenditures for purposes for which the bonds were issued made from such fund after the issuance of the bonds had been recommended by the board;

(b) that said proceeds may be used for the payment of interest on said bonds during the period of acquisition and construction and for the first six months thereafter; and

(c) that when the objects and purposes for which the bonds are issued have been accomplished any remaining unexpended funds derived from the sale of said bonds shall be used for the payment of principal and interest of said revenue bonds or for the redemption of any callable bonds thereof.

(g) The city shall have the power, limited by the express provisions of this section 1306, in its discretion, to provide, in connection with any issue of such bonds:

(1) The denomination or denominations of the bonds, the medium of payment thereof, the place or places of payment thereof, which may be within or without the State of California, the form of said bonds (including recitals of regularity) and of interest coupons pertaining thereto, the form, denomination and conditions of any temporary bonds or interim certificates, and the manual (one signature must be manual) and fascimile signatures to be affixed to said bonds (definitive or temporary) or interim certificates, and the facsimile signature to be affixed to interest coupons.

The recitals of regularity of proceedings in any revenue bond issued and sold under this section shall be conclusive evidence of compliance with the provisions of this section and of the validity of such bonds, and no bona fide purchaser of any such bond containing the recital permitted by this section shall be required to see to the existence of any fact or to the performance of any condition or to the taking of any proceeding required.

(2) Being negotiable or non-negotiable

(3) Being payable to bearer or only to the registered holder, either as to principal alone, or as to both principal and interest, or being fully registered non-coupon bonds;

(4) In any resolution providing for the issuance of revenue bonds under this section, the council may fix the terms and conditions thereof (including covenants) and may in any article, section, sentence or clause thereof make such provision (including covenant) as it may deem necessary or desirable to facilitate the issuance and sale of the bonds or for the protection or security of the holders thereof, including without affecting the generality of the foregoing, any or all of the following:

(a) The terms and conditions under which said bonds or any part thereof may be paid and redeemed before maturity (including the premiums, if any, payable upon bonds redeemed prior to maturity), exchanged, registered, transferred or negotiated;

(b) Covenants or provisions relating to rates;

(c) The collection, deposit and safekeeping of the revenues and the permissible uses thereof;

(d) The special fund or funds to be established and maintained for the payment of principal and interest of the bonds; including reserve, sinking, bond service, redemption and trust funds; the permissible investments of moneys in said funds, or any thereof; the accounts and records to be kept, audits thereof and examination thereof by bondholders and others;

(e) Prohibition against or limitations upon the sale, lease or other disposition or transfer of the utility involved or any substantial part thereof, and the use of any funds derived from any sale, lease or other disposition or transfer permitted under the terms of said resolution;

(f) Limitations upon the issuance of any additional bonds payable out of the revenue fund involved, but no bond shall be issued pursuant to this section or under any other provisions of this Charter or any other law having any priority in payment of principal or interest out of such fund or out of any revenues payable into such fund over any revenue bonds theretofore issued and payable out of said fund;

(g) Any other provision (including covenant) valid under the Constitution of the State of California and the United States of America.

Any resolution providing for the issuance of any revenue bonds under this section and all other resolutions or orders in the proceedings for the issuance of said bonds shall constitute a contract with the holders of the bonds and may be enforced by any holder by mandamus, injunction or any applicable legal action, suit, proceeding or other remedy.

(h) The city shall also have the power to borrow money from time to time, on a short-term basis, for any or all of the purposes specified in this section 1306 The board shall recommend to the city council the amount or amounts required for such purposes and upon approval, the council shall find and determine that the public interest and necessity require the exercise of this power of short-term borrowing.

All bonds, notes or other evidences of indebtedness issued under the authority of this sub-section shall contain upon their face a recital that they are so issued and shall be payable not to exceed five (5) years from their date.

No amount borrowed under the authority of this sub-section which when added to the amount of all other bonds, notes or evidences of indebtedness issued under this sub-section, and then outstanding, shall exceed 50% of the gross operating revenues from the utility on account of which it is borrowed during the preceding fiscal year

All of the provisions of this sub-section, not inconsistent with the terms of this section 1306 and not specifically made inapplicable thereto, shall apply to all notes or other evidences of indebtedness issued under the provisions of this sub-section.

(i) The term 'bonds' as used in this section 1306 shall include notes and other evidences of indebtedness.

No bond shall be deemed to be outstanding and unpaid within the meaning of this section 1306 if moneys for the pur-

pose of paying the same or redeeming the same prior to maturity and sufficient therefor have been irrevocably set aside in a bond service fund, sinking fund, redemption fund, or other trust fund created to insure the payment or redemption thereof.

Unless otherwise clearly indicated by the context, all of the provisions of this section 1306 shall be understood as relating only to bonds issued under this section 1306

This section 1306 is complete authority for the issuance of bonds thereunder, and no action or proceeding not required by this section shall be necessary for the valid authorization and issuance of such bonds. To the extent that any provision of any resolution authorizing the issuance of revenue bonds pursuant to this section 1306 or any provision of any resolution or order pertaining to such revenue bonds adopted pursuant to this section is inconsistent with any of the provisions of any other section of this Charter the provisions of such resolution or order shall control so long as any of the bonds or coupons to which the same pertain are outstanding and unpaid.

The validity of bonds reciting that they have been issued pursuant to this section 1306 shall not be affected by any provision or limitation contained in any other section or sections of this Charter.

The Council is authorized to take any and all steps necessary or convenient for the issuance and sale of revenue bonds under this section and for the payment or redemption thereof.

This section and every part thereof shall be liberally construed to promote the objects thereof and to carry out its intents and purposes.

If the application of any sub-section, subdivision, paragraph, sentence, clause or word of this section to any person or circumstance is held invalid, the application of such sub-section, subdivision, paragraph, sentence, clause or word to any other person or in any other circumstance shall not be affected thereby. If any part of this section is held invalid the remainder of the section shall remain in full force and effect.

We do further certify that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the City of Riverside and its City Council and City Clerk in the matter of submitting the proposal to amend the City Charter and in calling, noticing and conducting the election and certifying the canvass of the returns and declaring the results thereof.

In witness whereof we have hereunto set our hands and affixed the seal of the City of Riverside this 2nd day of July, 1968.

(SEAL)

BEN H. LEWIS,
Mayor of the City of Riverside
Attest: VIRGINIA J. STROHECKER
City Clerk of the City of Riverside

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinafter set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Riverside, County of Riverside, as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of the City of Riverside, County of Riverside.

RESOLUTION CHAPTER 183

Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Sections 1.60, 1.61, 1.62, 1.63, 1.64, 1.65, 1 66, 1.67, 1.68, and 1.69 to Article XIII thereof, relating to property taxation.

[Filed with Secretary of State July 16, 1968.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1968 Regular Session commencing on the eighth day of January, 1968, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended:

First, That Section 1 60 is added to Article XIII, to read:

SEC. 1 60. Any lands owned by any county, city and county, or municipal corporation subject to taxation pursuant to Section 1 of this article shall be taxed in proportion to the value thereof to be ascertained as provided in said section; provided, however, that for any year subsequent to 1968 such value, with respect to any of said lands located in any county in which the aggregate assessed value of all property owned by any county, city and county, or municipal corporation was over 30% of the total assessed value of all property taxed in said county in 1967, shall be, and with respect to all other said lands, shall not be more than, an amount determined as follows:

(a) Any said lands subject to taxation on the lien date in 1967, whether or not so owned on said date, at the value

assessed on said date, adjusted by a factor which shall be the ratio of (1) the total statewide assessed valuation of lands on the latest date prior to the date of assessment divided by the estimated civilian population of the state on the latest date prior to the date of assessment, to (2) the total statewide assessed valuation of lands on the lien date in 1967, divided by the estimated civilian population of the state on that date, which for the purpose of this section is deemed to be eight hundred fifty-six dollars ($856).

(b) Any said lands acquired subsequent to the lien date in 1967 which were assessed on said date as part of a larger tax parcel, shall be assessed as hereinabove provided, by fixing the assessed value therefor on the lien date in 1967 as the proportion of the assessment of said parcel on said date determined by the ratio of the area of any said lands to the area of the tax parcel of which they were a part on said date.

(c) The total statewide assessed valuation of lands shall be the amount and the estimate of civilian population shall be the number for the latest dates prior to the date of assessment as determined and published by those state agencies responsible therefor. For each year subsequent to 1968, the Controller of the state shall determine the factor to be used as hereinabove provided.

Second, That Section 1.61 is added to Article XIII, to read:

SEC. 1.61. Any review, equalization and adjustment by the State Board of Equalization made pursuant to Section 1 shall be limited to a determination that such assessments are made in the manner specified in Sections 1.60, 1.62 and 1.63.

Third, That Section 1.62 is added to Article XIII, to read:

SEC. 1.62. For the purpose of assessing in any year subsequent to 1968 any lands owned by any county, city and county or municipal corporation in any county in which the aggregate assessed value of all property owned by any county, city and county or municipal corporation was over 30 percent of the total assessed value of all property taxed in said county in 1967, the assessment of any said lands on the lien date in 1967 shall be conclusively presumed to have been valid in every respect, and any action by any board, court or other reviewing body with respect to said assessment subsequent to July 1, 1968, shall be of no effect; and any said lands assessed on the lien date in 1967 shall be conclusively presumed to be subject to taxation in any year subsequent to 1968 and to be assessable and taxable in any year subsequent to 1968 at the situs at which they were assessed on the lien date in 1967, any other provision of this article to the contrary notwithstanding; provided, any divestment of ownership of such land without water rights shall not diminish the quantity of water rights assessable and taxable at the situs as of the lien date in 1967. The assessment of all lands owned by any county, city and county, or municipal corporation on the lien date in 1967 shall further be conclusively presumed to have included all of

the interest in said lands so owned by said county, city and county, or municipal corporation, and no other or additional interest in said lands shall thereafter be assessed to any county, city and county or municipal corporation. Any such lands not assessed on the lien date in 1967 shall not thereafter be subject to taxation while so owned. Any said lands acquired subsequent to the lien date in 1967 which were not assessed on said date and each lien date thereafter shall not be subject to taxation while so owned.

Fourth, That Section 1.63 is added to Article XIII, to read:

SEC. 1.63. No replacement or substitution, made subsequent to March 1954, of improvements belonging to any county, city and county, or municipal corporation, shall, while owned by and in the possession of any county, city and county, or municipal corporation, be assessed at more than the highest value ever assessed upon the improvement replaced by such replacement or substitution improvement.

Fifth, That Section 1.64 is added to Article XIII, to read:

SEC. 1.64. The term "lands" as used in Section 1 and Sections 1.60 to 1.69, inclusive, of this article shall mean lands and any interest in lands including, but not limited to, all right to water or to the use or flow of water in or from any natural stream, lake or watercourse or in or from any ground water source.

Sixth, That Section 1.65 is added to Article XIII, to read:

SEC. 1.65. "County, city and county, or municipal corporation," as used in Section 1 and Sections 1.60 to 1.69, inclusive, of this article, shall be deemed to include any public district or public agency.

Seventh, That Section 1.66 is added to Article XIII, to read:

SEC. 1.66. No tax, charge, assessment or levy of any character or kind whatsoever, other than those taxes and assessments provided for in Sections 1 and 1.60 to 1.65, inclusive, of this article, by any county or other public agency, to which any county, city and county or municipal corporation may be subject by reason of the production, gathering, storage, transmission, sale or use of water by it, shall be based upon or calculated upon the consumption or use of such water outside the boundaries of any such county or other public agency.

Eighth, That Section 1.67 is added to Article XIII, to read:

SEC. 1.67. For the purpose of assessing in any year subsequent to 1968 any lands owned by any county, city and county or municipal corporation, which lands were assessed to such county, city and county or municipal corporation on the lien date in 1966 in any county in which the aggregate assessed value of all property owned by any county, city and county or municipal corporation was more than 35 percent of the total assessed value of all property taxed in said county in 1966, the terms "lien date in 1967" and "1967," wherever used in Sections 1.60 to 1.66, inclusive, of this article, shall be deemed to be "lien date in 1966" and "1966," respectively, and the amount of eight hundred fifty-six dollars ($856) in Section

1.60 of this article shall be deemed to be seven hundred sixty-six dollars ($766).

Ninth, That Section 1.68 is added to Article XIII, to read:

SEC. 1.68. Any interest of any character or kind whatsoever, other than a lease for agricultural purposes, owned, claimed, possessed or controlled by any person other than a county, city and county or municipal corporation in any lands owned by any county, city and county or municipal corporation, which lands are subject to taxation pursuant to Section 1 of this article, shall be taxable to such person except to the extent that such person or such interest is expressly exempted from taxation by the provisions of this Constitution. Such interest shall be taxed to such person in proportion to the value thereof to be ascertained as provided in Section 1 of this article; provided, however, that such value shall not exceed the aggregate value so ascertained of all interests in said lands reduced by the value of the interest in said lands owned by any county, city and county or municipal corporation ascertained as provided in Sections 1.60 to 1.67, inclusive, of this article.

Tenth, That Section 1.69 is added to Article XIII, to read:

SEC. 1.69. Nothing in Sections 1.60 to 1.67, inclusive, of this article shall be construed as exempting from taxation any interest in property of any character or kind whatsoever owned, claimed, possessed or controlled by any person other than a county, city and county or municipal corporation, or as rendering such interest taxable by any method other than that provided for in Section 1 of this article; nor shall such interest be considered as constituting property or lands owned by a county, city and county or municipal corporation for the purpose of computing any of the percentage figures required to be computed in determining the applicability of any of the provisions of Sections 1.60, 1.62 or 1.67 of this article.

RESOLUTION CHAPTER 184

Assembly Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending subdivision (a) of Section 24 of Article IV, by amending Section 1 of Article XIV, by amending Section 16 of Article XX, by amending and renumbering Sections 6, 6½, 10, 11, 12, 13, and 15 of Article IX, by amending and renumbering Sections 12, 13½, 16, 16½, 18 and 18¼ of Article XI, by adding Section 7 to Article II, by adding Sections 1, 2, 3, and 4 to Article IX, by adding Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, to Article XI, by adding Article XII, by adding a Section 30 to Article XIII, by adding an Article XVIII, by adding Sections 23 and 24 to Article XX, by adding Section 8 to Article XXII, and by adding Article XXIV, by repealing Sections 1, 2, 2.1, 3, 3.1, 3.3, 5, 7, and

14 of Article IX, by repealing Article X, by repealing Sections 1, 2, 3, 5, 5.1, 6, 7, 7½, 7½b, 8, 8½, 10, 11, 13, 14, 15, 17, 19, and 20 of Article XI, by repealing Article XII, by repealing Article XVII, by repealing Article XVIII, and by repealing Article XXIV thereof, relating to partial revision of the Constitution of the State of California.

[Filed with Secretary of State July 17, 1968.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1968 Regular Session commencing on the 8th day of January, 1968, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be revised as follows:

First—That subdivision (a) of Section 24 of Article IV is amended to read:

SEC. 24. (a) An initiative statute or referendum approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise. If a referendum petition is filed against part of a statute the remainder shall not be delayed from going into effect.

Second—That Section 1 of Article IX of the Constitution of the State is repealed.

Third—That Section 1 is added to Article IX, to read:

SEC. 1. The Legislature shall provide for and support a free public school system.

Fourth—That Section 2 of Article IX is repealed.

Fifth—That Section 2 is added to Article IX, to read:

SEC. 2. School districts and intermediate units shall be provided by statute, and the Legislature shall grant basic state financial aid to each district. Unless the governing county or city charter otherwise provides, each district shall have an executive officer appointed by an elected board and each intermediate unit, unless the Legislature by enactment of a statute passed by two-thirds vote of all members elected to each house provides for a different method of selection, shall have an elected executive officer and an elected board.

Sixth—That Section 2.1 of Article IX is repealed.

Seventh—That Section 3 of Article IX is repealed.

Eighth—That Section 3 is added to Article IX, to read:

SEC. 3. The Legislature shall provide for a State Board of Education and an executive officer of that board who shall be Superintendent of Public Instruction.

The Superintendent of Public Instruction shall be elected by the people, unless the Legislature by enactment of a statute passed by two-thirds vote of all members elected to each house provides for a different method of selection.

The State Board of Education shall at state expense adopt and furnish a series of textbooks for use in the elementary schools throughout the state.

Ninth—That Section 3.1 of Article IX is repealed.

Tenth—That Section 3.3 of Article IX is repealed.

Eleventh—That Section 4 is added to Article IX, to read:

SEC. 4. The Legislature shall prescribe a minimum annual salary for fulltime public school teachers and other employees requiring certification, except substitute employees.

Twelfth—That Section 5 of Article IX is repealed.

Thirteenth—That Section 6 of Article IX is amended and renumbered to be Section 30.5 of Article XIII, to read:

SEC. 30.5. The Legislature shall provide for the levying annually by the governing body of each county, and city and county, of such school district taxes, at rates not in excess of the maximum rates of school district tax fixed or authorized by the Legislature, as will produce in each fiscal year such revenue for each school district as the governing board thereof shall determine is required in such fiscal year for the support of all schools and functions of said district authorized or required by law.

Fourteenth—That Section 6½ of Article IX is amended and renumbered to be Section 42 of Article XIII to read.

SEC. 42. Nothing in this Constitution contained shall forbid the formation of districts for school purposes situate in more than one county or the issuance of bonds by such district under such general laws as have been or may hereafter be prescribed by the Legislature; and the officers mentioned in such laws shall be authorized to levy and assess such taxes and perform all such other acts as may be prescribed therein for the purpose of paying such bonds and carrying out the other powers conferred upon such districts; provided, that all such bonds shall be issued subject to the limitations prescribed in section eighteen of article eleven hereof.

Fifteenth—That Section 7 of Article IX is repealed.

Sixteenth—That Section 10 of Article IX is amended and renumbered to be Section 31 of Article XIII to read:

SEC. 31. The trusts and estates created for the founding, endowment and maintenance of the Leland Stanford Junior University, under and in accordance with "An act to advance learning, etc.," approved March ninth, eighteen hundred and eighty-five, by the endowment grant executed by Leland Stanford and Jane Lathrop Stanford on the eleventh day of November, A. D. eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three, *et seq.*, records of Santa Clara County, and by the amendments of such grant, and by gifts, grants, bequests, and devises supplementary thereto, and by confirmatory grants, are permitted, approved and confirmed The board of trustees of the Leland Stanford Junior University, as such, or in the name of the institution, or by other intelligible designation of the trustees or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest for the benefit of the institution, or of any department thereof, and such property, unless otherwise provided, shall be held by the

trustees of the Leland Stanford Junior University upon the trusts provided for in the grant founding the university, and amendments thereof, and grants, bequests and devises supplementary thereto. The Legislature, by special act, may grant to the trustees of the Leland Stanford Junior University corporate powers and privileges, but it shall not thereby alter their tenure, or limit their powers or obligations as trustees. All property now or hereafter held in trust for the founding, maintenance or benefit of the Leland Stanford Junior University, or of any department thereof, may be exempted by special act from State taxation, and all personal property so held, the Palo Alto farm as described in the endowment grant to the trustees of the university, and all other real property so held and used by the university for educational purposes exclusively, may be similarly exempted from county and municipal taxation; *provided*, that residents of California shall be charged no fees for tuition unless such fees be authorized by act of the Legislature.

Seventeenth—That Section 11 of Article IX is amended and renumbered to be Section 32 of Article XIII to read:

SEC. 32. All property now or hereafter belonging to "The California School of Mechanical Arts," an institution founded and endowed by the late James Lick to educate males and females in the practical arts of life, and incorporated under the laws of the State of California, November twenty-third, eighteen hundred and eighty-five, having its school buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Eighteenth—That Section 12 of Article IX is amended and renumbered to be Section 33 of Article XIII to read:

SEC. 33. All property now or hereafter belonging to the "California Academy of Sciences," an institution for the advancement of science and maintenance of a free museum, and chiefly endowed by the late James Lick and incorporated under the laws of the State of California, January sixteenth, eighteen hundred and seventy-one, having its buildings located in the city and county of San Francisco shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Nineteenth—That Section 13 of Article IX is amended and renumbered to be Section 34 of Article XIII to read:

SEC. 34. All property now or hereafter belonging to the Cogswell Polytechnical College, an institution for the advancement of learning, incorporated under the laws of the State of California, and having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report

their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Twentieth—That Section 14 of Article IX is repealed.

Twenty-first—That Section 15 of Article IX is amended and renumbered to be Section 35 of Article XIII to read:

SEC. 35. The trusts and estates created for the founding, endowment and maintenance of the Henry E. Huntington Library and Art Gallery under and in accordance with an act of the Legislature approved March 10, 1885, chapter forty-seven of the Statutes of California of 1885, by the endowment grant executed by Henry E Huntington and Arabella D Huntington on the thirtieth day of August, 1919, and recorded in book 6937, page 97 of deeds, records of Los Angeles, California, on the fifteenth day of September, 1919, and by the amendments of such grant and by gifts and grants supplementary thereto and by confirmatory grants, are permitted, approved and confirmed. The board of trustees of the Henry E. Huntington Library and Art Gallery, as such, or in the name of the institution, or by other intelligible designation of the trustees, or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the institution and such property, unless otherwise provided, shall be held by the trustees of the Henry E. Huntington Library and Art Gallery upon the trusts provided for in the grant founding the institution, and amendments thereof and grants supplementary thereto All property as of July 1, 1929, held in trust for the founding, maintenance or benefit of the Henry E. Huntington Library and Art Gallery and the increments thereof and all personal property received in exchange therefor shall be exempt from taxation. The Legislature may modify, suspend and revive at will the exemption from taxation herein given. The trustees of said institution shall annually report their proceedings to the person who for the time being shall fill the office of Secretary of State of the State of California, and said trustees shall accompany said report with a full account of their financial operations for the preceding year and with a statement of the financial affairs of the institution

Twenty-second—That Article X is repealed

Twenty-third—That Section 1 of Article XI is repealed

Twenty-fourth—That Section 1 is added to Article XI, to read:

SEC. 1. (a) The State is divided into counties which are legal subdivisions of the State The Legislature shall prescribe uniform procedure for county formation, consolidation, and boundary change. Formation or consolidation requires approval by a majority of electors voting on the question in each affected county. A boundary change requires approval by the governing body of each affected county.

(b) The Legislature shall provide for county powers and an elected governing body in each county and prescribe com-

pensation of its members. The Legislature or the governing body may provide for other officers whose compensation shall be prescribed by the governing body. The governing body shall provide for the number, compensation, tenure, and appointment of employees.

Twenty-fifth—That Section 2 of Article XI is repealed.

Twenty-sixth—That Section 2 is added to Article XI, to read:

SEC. 2. (a) The Legislature shall prescribe uniform procedure for city formation and provide for city powers.

(b) Except with approval by a majority of its electors voting on the question, a city may not be annexed to or consolidated into another.

Twenty-seventh—That Section 3 of Article XI is repealed.

Twenty-eighth—That Section 3 is added to Article XI, to read:

SEC. 3. (a) For its own government, a county or city may adopt a charter by majority vote of its electors voting on the question. The charter is effective if approved without change by resolution of the Legislature, by rollcall vote entered in the journal, a majority of the membership of each house concurring. County charters adopted pursuant to this section shall supersede any existing charter and all laws inconsistent therewith. A charter may be amended, revised, or repealed in the same manner.

(b) The governing body or charter commission of a county or city may propose a charter or revision. Amendment or repeal may be proposed by initiative or by the governing body.

(c) An election to determine whether to draft or revise a charter and elect a charter commission may be required by initiative or by the governing body.

(d) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

Twenty-ninth—That Section 4 is added to Article XI, to read:

SEC. 4. County charters shall provide for:

(a) A governing body of 5 or more members, elected (1) by district or, (2) at large, or (3) at large, with a requirement that they reside in a district. Charter counties are subject to statutes that relate to apportioning population of governing body districts.

(b) The compensation, terms, and removal of members of the governing body.

(c) Other officers to perform functions required by law or public convenience, their selection, compensation, terms, and removal.

(d) The powers and duties of governing bodies and all other county officers, and for consolidation and segregation of county officers, and for the manner of filling all vacancies occurring therein.

(e) The fixing and regulation by governing bodies, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches, and other persons to be employed, and for the prescribing and regulating by such bodies of the powers, duties, qualifications, and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal.

(f) Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature, as herein provided, the general laws adopted by the Legislature in pursuance of Section 1(b) of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided.

(g) Charter counties shall have all the powers that are provided by this Constitution or by statute for counties.

Thirtieth—That Section 5 of Article XI is repealed.

Thirty-first—That Section 5 is added to Article XI, to read:

SEC. 5. (a) It shall be competent in any city charter to provide that the city governed thereunder may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. City charters adopted pursuant to this Constitution shall supersede any existing charter, and with respect to municipal affairs shall supersede all laws inconsistent therewith.

(b) It shall be competent in all city charters to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for: (1) the constitution, regulation, and government of the city police force (2) subgovernment in all or part of a city (3) conduct of city elections and (4) plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which the several municipal officers and employees whose compensation is paid by the city shall be elected or appointed, and for their removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees.

Thirty-second—Section 5.1 of Article XI is repealed.

Thirty-third—Section 6 of Article XI is repealed.

Thirty-fourth—That Section 6 is added to Article XI, to read:

SEC. 6. (a) A county and all cities within it may consolidate as a charter city and county as provided by statute.

(b) A charter city and county is a charter city and a charter county. Its charter city powers supersede conflicting charter county powers.

Thirty-fifth—That Section 7 of Article XI is repealed.

Thirty-sixth—That Section 7 is added to Article XI, to read:

SEC. 7. A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

Thirty-seventh—That Section 7½ of Article XI is repealed.

Thirty-eighth—That Section 7½b of Article XI is repealed.

Thirty-ninth—That Section 8 of Article XI is repealed.

Fortieth—That Section 8 is added to Article XI, to read

SEC. 8. (a) The Legislature may provide that counties perform municipal functions at the request of cities within them.

(b) If provided by their respective charters, a county may agree with a city within it to assume and discharge specified municipal functions.

Forty-first—That Section 8½ of Article XI is repealed.

Forty-second—That Section 9 is added to Article XI, to read:

SEC. 9. (a) A municipal corporation may establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication. It may furnish those services outside its boundaries except within another municipal corporation which furnishes the same service and does not consent.

(b) Persons or corporations may establish and operate works for supplying those services upon conditions and under regulations that the city may prescribe under its organic law.

Forty-third—That Section 10 of Article XI is repealed.

Forty-fourth—That Section 10 is added to Article XI, to read

SEC. 10. A local government body may not grant extra compensation or extra allowance to a public officer, public employee, or contractor after service has been rendered or a contract has been entered into and performed in whole or in part, or pay a claim under an agreement made without authority of law.

Forty-fifth—That Section 11 of Article XI is repealed.

Forty-sixth—That Section 11 is added to Article XI to read:

SEC. 11. The Legislature may not delegate to a private person or body power to make, control appropriate, supervise or interfere with county or municipal corporation improvements money, or property, or to levy taxes or assessments, or perform municipal functions.

Forty-seventh—That Section 12 of Article XI is amended and renumbered to be Section 37 of Article XIII:

SEC. 37. Except as otherwise provided in this Constitution the Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations, or upon the inhabitants or property thereof for county, city, town, or other municipal purposes, but may, by

general laws vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

All property subject to taxation shall be assessed for taxation at its full cash value.

Forty-eighth—That Section 12 is added to Article XI, to read:

SEC. 12. The Legislature may prescribe procedure for presentation, consideration, and enforcement of claims against counties, cities, their officers, agents or employees.

Forty-ninth—That Section 13 of Article XI is repealed.

Forty-nine and one half—That Section 13 is added to Article XI, to read:

SEC. 13. The provisions of Sections 1(b) (except for the second sentence), 3(a), 4 and 5 of this Article relating to matters affecting the distribution of powers between the Legislature and cities and counties, including matters affecting supersession, shall be construed as a restatement of all related provisions of the Constitution in effect on November 4, 1968, and as making no substantive change.

The terms general law, general laws, and laws, as used in this Article, shall be construed as a continuation and restatement of those terms as used in the Constitution in effect on November 4, 1968, and not as effecting a change in meaning.

Fiftieth—That Section 13½ of Article XI is amended and renumbered to be Section 37.5 of Article XIII:

SEC. 37.5. Any county, city and county, city, town, municipality, irrigation district, or other public corporation, issuing bonds under the laws of the State, is hereby authorized and empowered to make said bonds and the interest thereon payable at any place or places within or outside of the United States and in any money, domestic or foreign, designated in said bonds.

Fifty-first—That Section 14 of Article XI is repealed.

Fifty-second—That Section 15 of Article XI is repealed.

Fifty-third—That Section 16 of Article XI is amended and renumbered to be Section 38 of Article XIII.

SEC. 38. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depositary, to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they respectively belong.

Fifty-fourth—That Section 16½ of Article XI is amended and renumbered to be Section 39 of Article XIII:

SEC. 39. All moneys belonging to, or in the custody of, the State, or any county, city and county, city, town, municipality or other public or municipal corporation, within this State may be deposited in any national bank or banks within this State, or in any bank or banks organized under the laws of this State, in such manner and under such conditions as may be provided by any law adopted by the people

under the initiative or by a two-thirds vote of each House of the Legislature and approved by the Governor and subject to the referendum; *provided,* that the laws now governing the deposit of such moneys shall continue in force until such laws shall be amended, changed or repealed as in this section authorized; *and provided, further,* that the State or any county, city and county, city, town, municipality or other public or municipal corporation, issuing bonds under the laws of this State, may deposit moneys in any bank or banks outside this State for the payment of the principal or interest of such bonds at the place or places at which the same are payable.

Fifty-fifth—That Section 17 of Article XI is repealed.

Fifty-sixth—That Section 18 of Article XI is amended and renumbered to be Section 40 of Article XIII:

SEC. 40. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted

Fifty-seventh—That Section 18¼ of Article XI is amended and renumbered to be Section 41 of Article XIII:

SEC. 41. Whenever under the laws of this State or under its charter any city, county, city and county, parking authority, district, or other public body is authorized to acquire or construct public parking lots, garages, or other automotive parking facilities, and for the payment of the cost of any thereof, to issue any bonds or other securities payable in whole or in part from revenues of any such parking facilities, such public body, and any other public body within the territorial area of which such public parking facilities are or will be situated, is also authorized to pledge, place a charge upon, or otherwise make available, as additional security for the payment of such securities, any or all revenues from any or all street parking meters then owned or controlled or to be acquired or controlled by it.

Fifty-eighth—That Section 19 of Article XI is repealed.

Fifty-ninth—That Section 20 of Article XI is repealed.

Sixtieth—That Article XII is repealed.

Sixty-first—That Article XII is added, to read:

ARTICLE XII

PUBLIC UTILITIES

SEC. 1. The Public Utilities Commission consists of 5 members, or more if prescribed by statute, appointed by the Governor and approved by the Senate, a majority of the membership concurring, for staggered 6-year terms. A vacancy is filled for the remainder of the term. The Legislature may remove a member for incompetence, neglect of duty, or corruption, two thirds of the membership of each house concurring.

SEC. 2. Private corporations and persons that own, operate, control, or manage a line, plant or system for the transportation of people or property, the transmission of messages, or the furnishing of heat, light, water, power, storage or wharfage, directly or indirectly to or for the public, and common carriers, are public utilities subject to control by the Legislature. The Legislature may prescribe that additional classes of private corporations or persons are public utilities.

SEC. 3. The Commission shall have such jurisdiction and such legislative, executive, and judicial powers as are conferred upon it by the Legislature, which are cognate and germane to the regulation of public utilities. The manner and scope of review of Commission action in a court of record shall be provided by statute.

A city, county, or other public body may not regulate matters over which the Legislature grants regulatory power to the Commission. This section does not affect power over public utilities relating to the making and enforcement of police, sanitary, and other regulations concerning municipal affairs pursuant to a city charter existing on October 10, 1911, unless that power has been revoked by the city's electors, or the right of any city to grant franchises for public utilities or other businesses on terms, conditions, and in the manner prescribed by law.

SEC. 4. The Legislature may provide that on request of condemnor and condemnee the Commission fix just compensation for public utility property taken by eminent domain.

Sixty-second—That Section 30 is added to Article XIII, to read:

SEC. 30. The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation, except that the state and each political subdivision, district, municipality, and public agency thereof is hereby authorized to acquire and hold shares of the capital stock of any mutual water company or corporation when such stock is so acquired or held for the purpose of furnishing a supply of water for public, municipal or governmental purposes; and such holding of such stock

shall entitle such holder thereof to all of the rights, powers and privileges, and shall subject such holder to the obligations and liabilities conferred or imposed by law upon other holders of stock in the mutual water company or corporation in which such stock is so held.

Notwithstanding provisions to the contrary in this section and Section 25 of this article, the Legislature may authorize the investment of moneys of any public pension or retirement fund other than the fund provided for in Section 13901 of the Education Code, or any successor thereto, not to exceed 25 percent of the assets of such fund determined on the basis of cost in the common stock or shares and not to exceed 5 percent of assets in preferred stock or shares of any corporation provided:

a Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended, but such registration shall not be required with respect to the following stocks:

1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds represented by capital, surplus, and undivided profits, of at least fifty million dollars ($50,000,000);

2) The common stock of an insurance company which has capital funds represented by capital, special surplus funds and unassigned surplus, of at least fifty million dollars ($50,000,000);

3) Any preferred stock;

b Such corporation has total assets of at least one hundred million dollars ($100,000,000);

c Bonds of such corporation, if any are outstanding, qualify for investment under the law governing the investment of the retirement fund, and there are no arrears of dividend payments on its preferred stock;

d Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid and such corporation has paid an earned cash dividend in each of the last 3 years;

e Such investment in any one company may not exceed 5 percent of the common stock shares outstanding; and

f No single common stock investment may exceed 2 percent of the assets of the fund based on cost.

Notwithstanding provisions to the contrary in this section and Section 25 of this article, the Legislature may authorize the investment of moneys of any public pension or retirement fund other than the fund provided for in Section 13901 of the Education Code, or any successor thereto, in stock or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars ($50,000,000); provided,

however, that the total investment in such stocks and shares, together with stocks and shares of all other corporations may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares

Sixty-third—That Section 1 of Article XIV is amended to read:

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law.

Sixty-fourth—That Article XVII is repealed

Sixty-fifth—That Article XVIII is repealed.

Sixty-sixth—That Article XVIII is added, to read:

ARTICLE XVIII

AMENDING AND REVISING THE CONSTITUTION

SEC. 1. The Legislature by rollcall vote entered in the journal, two thirds of the membership of each house concurring, may propose an amendment or revision of the Constitution and in the same manner may amend or withdraw its proposal Each amendment shall be so prepared and submitted that it can be voted on separately.

SEC. 2. The Legislature by rollcall vote entered in the journal, two thirds of the membership of each house concurring, may submit at a general election the question whether to call a convention to revise the Constitution If the majority vote yes on that question, within 6 months the Legislature shall provide for the convention. Delegates to a constitutional convention shall be voters elected from districts of substantially equal population.

SEC 3. The electors may amend the Constitution by initiative.

SEC 4. A proposed amendment or revision shall be submitted to the electors and if approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise. If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

Sixty-seventh—Section 16 of Article XX is amended to read:

SEC. 16 When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; provided, however, that in the case of any officer or employee of any municipality governed under a legally adopted charter the provisions of such charter with reference to the tenure of office or the dismissal from office of

any such officer or employee shall control; provided further, that neither the terms of office of members of the State Board of Education nor the term of office of any person heretofore or hereafter appointed to hold office or employment during good behavior under civil service laws of the state or of any political division thereof shall be limited by this section.

The Legislature may provide terms of office for not to exceed eight years for the members of any state agency created by it in the field of public higher education which is charged with the management, administration, and control of the State College System of California.

Sixty-eighth—That Section 23 is added to Article XX, to read:

SEC. 23. Laws concerning corporations may be amended or repealed.

Sixty-ninth—That Section 24 is added to Article XX, to read:

SEC. 24. The labor of convicts shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

Seventieth—Section 8 is added to Article XXII, to read:

SEC. 8. Article IX, Section 1, does not apply to community colleges or state colleges. All provisions of the Constitution which on November 1, 1967 were applicable to them by reason of their inclusion in the Public School System shall continue to be applicable to them.

Seventy-second—That Section 7 is added to Article II, to read:

SEC 7. All elective officers of counties, and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers

Seventy-third—That Article XXIV is repealed.

Seventy-fourth—That Article XXIV is added, to read:

ARTICLE XXIV

STATE CIVIL SERVICE

SEC. 1. (a) The civil service includes every officer and employee of the state except as otherwise provided in this Constitution.

(b) In the civil service permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination.

SEC. 2. (a) There is a Personnel Board of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 10-year terms and until their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. A member may be removed by concurrent resolution adopted by each house, two-thirds of the membership of each house concurring.

(b) The board annually shall elect one of its members chairman.

(c) The board shall appoint and prescribe compensation for an executive officer who shall be a member of the civil service but not a member of the board.

SEC. 3. (a) The board shall enforce the civil service statutes and, by majority vote of all its members, shall prescribe probationary periods and classifications, adopt other rules authorized by statute, and review disciplinary actions.

(b) The executive officer shall administer the civil service statutes under rules of the board.

SEC. 4. The following are exempt from civil service:

(a) Officers and employees appointed or employed by the Legislature, either house, or legislative committees.

(b) Officers and employees appointed or employed by councils, commissions or public corporations in the judicial branch or by a court of record or officer thereof.

(c) Officers elected by the people and a deputy and an employee selected by each elected officer.

(d) Members of boards and commissions.

(e) A deputy or employee selected by each board or commission either appointed by the Governor or authorized by statute.

(f) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees of the Governor's office, and the employees of the Lieutenant Governor's office directly appointed or employed by the Lieutenant Governor.

(g) A deputy or employee selected by each officer exempted under Section 4(f).

(h) Officers and employees of the University of California and the California State Colleges.

(i) The teaching staff of schools under the jurisdiction of the Department of Education or the Superintendent of Public Instruction.

(j) Member, inmate, and patient help in state homes, charitable or correctional institutions, and state facilities for mentally ill or retarded persons.

(k) Members of the militia while engaged in military service.

(*l*) Officers and employees of district agricultural associations employed less than 6 months in a calendar year.

(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Legislative Counsel may appoint or employ two deputies or employees, and the Legislature may provide that the State Board of Education, on nomination of the Superintendent of Public Instruction, may appoint not more than three Deputy Superintendents of Public Instruction and not more than four Associate Superintendents of Public Instruction, for four year terms. Additional exempt positions in the Legislative Counsel's office may be created by statute.

SEC. 5. A temporary appointment may be made to a position for which there is no employment list. No person may serve in one or more positions under temporary appointment longer than 9 months in 12 consecutive months.

SEC. 6. (a) The Legislature may provide preferences for veterans and their widows.

(b) The board by special rule may permit persons in exempt positions, brought under civil service by constitutional provision, to qualify to continue in their positions.

(c) When the state undertakes work previously performed by a county, city, public district of this state or by a federal department or agency, the board by special rule shall provide for persons who previously performed this work to qualify to continue in their positions in the state civil service subject to such minimum standards as may be established by statute.

And be it further resolved, That Assembly Constitutional Amendment No. 30 of the 1968 Regular Session shall not be submitted to the people unless Assembly Bill 918 of the 1968 Regular Session is enacted by the Legislature and deposited in the office of the Secretary of State.

RESOLUTION CHAPTER 185

Assembly Concurrent Resolution No. 138—Relative to Howard Ahmanson.

[Filed with Secretary of State July 18, 1968]

WHEREAS, The Members of the Legislature have learned with deep and profound sorrow of the death of Howard Ahmanson, chairman of the board of Home Savings and Loan Association and noted philanthropist; and

WHEREAS, Howard Ahmanson was born in Omaha, Nebraska, attended the University of Nebraska School of Business Administration, and received a bachelor of science degree in economics from the University of Southern California; and

WHEREAS, While still in school he founded the H. F. Ahmanson and Company, today the largest writer of fire insurance in California; and

WHEREAS, He purchased Home Savings in 1947, when its assets were a mere $960,000, and successfully guided Home Savings and Loan to its position of national prominence as the largest savings and loan association in the nation, with assets in excess of $2.5 billion; and

WHEREAS, In 1957, he founded the Ahmanson Bank and Trust Company and engineered its growth until it ranks in the top 10 percent of banks in the United States; and

WHEREAS, He founded and was the president of the Ahmanson Foundation, which has specialized in giving financial encouragement to new programs in education, the arts, and medical research; and

WHEREAS, He was a prominent and active member of the board of trustees of the University of Southern California, the California Museum Foundation, the Otis Art Institute of Los Angeles County, the John F. Kennedy Center for the Performing Arts, and the Dermatology Foundation of the Mayo Clinic, and

WHEREAS, He also served with distinction as a director of the Los Angeles World Affairs Council, on the advisory board of the Hollywood Boys Club, on the board of governors of the Performing Arts Council of the Music Center, and as a corporation committee member of Stanford University; and

WHEREAS, For his many generous contributions to the continuing development of the arts, the main gallery of the Los Angeles County Museum of Art and the theater of the Music Center have been named in his honor; and

WHEREAS, His contributions to medical research have not gone unnoticed, as the Center for Biological Research of the University of Southern California also bears his name; and

WHEREAS The loss of this dynamic and capable public-spirited citizen who gave so generously of his time, energies, and wealth to the betterment of this state and nation will be sorely felt by its citizens as well as by his many close friends and associates, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby pay tribute to the memory of Howard Ahmanson and extend their sincere and heartfelt condolences upon his death to the bereaved members of his family and his friends; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to his widow, Caroline, and to his son, Howard Fieldstead Ahmanson, Jr

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RESOLUTION CHAPTER 186

Assembly Concurrent Resolution No. 152—Approving an amendment to the Charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said City at a special municipal charter amendment election of the City of Alameda held therein on the fourth day of June, 1968, which said election was duly consolidated with the Primary Election of the State of California held on said date.

[Filed with Secretary of State July 18, 1968]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the Charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, as hereinafter

set forth in the certificate of the Mayor and City Clerk of said City, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALAMEDA OF TWO CHARTER AMENDMENTS

State of California }
County of Alameda } ss.
City of Alameda }

We, the undersigned, William M. McCall, Mayor of the City of Alameda, and Shirley H. Tennier, City Clerk of the City of Alameda, do hereby certify and declare as follows:

That the City of Alameda, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500), and ever since the 5th day of May, 1937 has been and is now organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election held for that purpose on the 29th day of April, 1937, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 5th day of May, 1937 (Statutes of 1937, page 2880).

That in accordance with the provision of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Alameda, being the legislative body thereof, by its Resolution numbered 7293, adopted on March 13, 1968, duly and regularly submitted to the qualified electors of said City certain proposals designated as Measures I, J, K, L and M to amend the Charter of the City of Alameda and to be voted on by said qualified electors at a special municipal charter amendment election by said Resolution called for said purpose in said City on the 4th day of June, 1968, consolidated with the Primary Election of the State of California held on said date.

The said proposals were published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Alameda, on the 22nd day of April, 1968, in the Alameda Times-Star, a newspaper of general circulation published daily except Sunday in the said City of Alameda and the official newspaper of said City, and in each edition thereof during said day of publication.

The said Council caused a copy of said proposals to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, beginning on May 6, 1968, advertised in said Alameda Times-Star daily, except Sunday, until the day fixed for said election, a notice that

copies of said proposals could be had on application therefor at the office of the City Clerk of said City and that printed copies of said proposals were on hand and could be had on application therefor at said office of said City Clerk from May 6, 1968, up to and including the day fixed for said election.

The said special municipal charter amendment election of the City of Alameda, consolidated as aforesaid, was duly called, held and conducted in the time, form and manner required by the Charter of the said City and by law on said 4th day of June, 1968, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposal in said Alameda Times-Star.

That the Council of said City of Alameda did, in the manner provided by law, duly and regularly canvass all ballots cast at said special municipal charter amendment election of the City of Alameda, consolidated as aforesaid, and did, by resolution duly adopted on July 2, 1968, duly find and declare that a majority of the qualified voters voting on two such proposals, designated as Measures I and J, voted in favor thereof and that said two proposals to amend the Charter of said City were ratified.

That a majority of the qualified voters voting on said two proposals voted in favor of the ratification of and did ratify said proposals to amend said Charter of said City.

That said Charter amendments so ratified by the majority of the qualified voters of said City voting at said special municipal charter amendment election are in the words and figures following, respectively, to-wit:

Charter Measures

By adopting a new Section 3-15.1 of Article III, and amending Section 2-5 of Article II, of said Charter, which read as follows:

"Sec. 3-15 1. Anything in Section 3-15 to the contrary notwithstanding, the bid and contract procedure in said section specified shall be applicable only when the required expenditure exceeds the sum provided by the general law for cities for like expenditures."

"Sec. 2-5. No person shall be qualified to be elected or appointed to any of the elective offices hereinabove set forth unless he shall have been an elector of the City of Alameda for a period of three years continuously next preceding his election. Every officer of the City referred to in Section 2-12 of this Charter shall be a resident of the City during his tenure of office. Employees of the City, other than such officers, shall reside within the City or within fifteen miles of the City limits thereof."

And we, and each of us, further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Alameda with the original proposal

submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the Charter of the City of Alameda are hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Alameda to be affixed hereto this 3rd day of July, 1968.

WILLIAM M. MCCALL
(SEAL) Mayor of the City of Alameda
SHIRLEY H. TENNIER
City Clerk of the City of Alameda

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Alameda, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of said City of Alameda.

RESOLUTION CHAPTER 187

Senate Concurrent Resolution No. 66—Relating to the establishment of a school of veterinary medicine in southern California.

[Filed with Secretary of State July 18, 1968.]

WHEREAS, The 1965 Legislature adopted Assembly Concurrent Resolution No. 85 (Stats. 1965, Res. Ch. 151), calling upon the Board of Regents of the University of California to conduct an in-depth study of the feasibility and advisability of establishing a second school of veterinary medicine to be located in southern California in the near future; and

WHEREAS, The regents thereafter instructed its staff to conduct such a study, and a report was rendered by a special

academic committee appointed by the president of the university in May of 1966, but has not yet been made public; and

WHEREAS, That report asserted that the establishment of such a school in the southern part of the state was feasible and would fulfill the pressing need for training an increased number of doctors of veterinary medicine in southern California; and

WHEREAS, This report has been held in confidence by university officials because of their concerns that initiation of a school of veterinary medicine in southern California at this time would interfere with the orderly development of other university medical schools, but there is no evidence to support this fear nor is there any justifiable connection or overlap between the two types of institutions; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Board of Regents of the University of California is urged to make public the special report prepared in response to ACR 85 of the 1965 Regular Session of the Legislature; and be it further

Resolved, That the Legislature strongly urges the board of regents to accelerate planning and budgeting for a southern California school of veterinary medicine, and to include initial funds therefor in its 1969–70 budget proposals which will be submitted to the Governor late this year; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to each member of the Board of Regents of the University of California

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RESOLUTION CHAPTER 188

Assembly Concurrent Resolution No. 157—Approving amendments to the Charter of the City of Richmond, County of Contra Costa, State of California, ratified by the qualified electors of the city at an election held therein on the fourth day of June, 1968.

[Filed with Secretary of State July 18, 1968]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the Charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, as hereinafter set forth in the certificates of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF RICHMOND OF A CERTAIN CHARTER AMENDMENT

State of California }
County of Contra Costa } ss.
City of Richmond }

We, the undersigned, John J. Sheridan, Mayor of the City of Richmond, California, and Harlan J. Heydon, City Clerk of said City, do hereby certify and declare as follows:

That the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500) inhabitants, and has been, ever since the year 1909, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 9th day of February, 1909, and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the 4th day of March, 1909, (Statutes of 1909, Chap. 18).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Richmond, being the legislative body thereof, submitted to the qualified electors of said City certain proposals, hereinafter referred to as Amendments J, L, M, N, O, P, and Q, to amend the Charter of the City of Richmond and to be voted upon by the qualified electors at a special election called for said purpose in said City on the 4th day of June, 1968.

That on April 2, 1968, the Board of Supervisors of the County of Contra Costa consented to and ordered the consolidation of said special election with the State Primary election to be held on the 4th day of June, 1968.

That said Amendments J, L, M, N, O, P, and Q were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Richmond on the 24th day of April, 1968, and that said publication was in The Independent, a newspaper of general circulation published daily except Sunday in the said City of Richmond and the official newspaper of said City, and in each edition thereof during the said day of publication; that said City of Richmond has a population of less than one hundred twenty-five thousand (125,000); that said publication on the 24th day of April, 1968, also contained a notice that copies of the proposed amendments were available upon request at the office of the City Clerk, City Hall, Civic Center, Richmond, California, and that continuously from April 24, 1968, up to and including June 4, 1968, there were available in the office of the City Clerk of the City of Richmond, City Hall, Richmond, California, copies of the full text of said amendments.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Clerk caused copies of said amendments to be printed in convenient pamphlet form and in type of not less than

10 points, and caused copies thereof to be mailed to each of the qualified electors of said city.

That in accordance with the provisions of the Charter of the City of Richmond, and in the manner provided by law, the said primary election was duly and regularly held in said City after due notice was given and published, the day of election being on June 4, 1968, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforesaid proposed amendments in "The Independent", the official newspaper of said City.

That thereafter, said primary election was duly and regularly held on Tuesday, June 4, 1968, and the Board of Supervisors of the County of Contra Costa, State of California, did, in the manner provided by law, duly and regularly canvass the returns of said election and did, on the 11th day of June, 1968, by resolution, duly declare and certify the results of said primary election as determined from the canvass of the returns thereof.

That at said primary election, a majority of the qualified electors voting on said proposals to amend the Charter of the City of Richmond voted in favor of said amendments hereinafter set out.

That said amendments to the Charter so ratified by the qualified electors of the City of Richmond at said primary election were in words and figures as follows:

Amendment–J (Words in *italics* to be added)

First: To amend Section 10 of Article III to read as follows:

"Section 10. A vacancy in the Council shall be filled by a majority of the remaining members. Such appointees shall hold office until the second Monday succeeding the next election at which councilmen are to be elected. At the next election succeeding any vacancy a councilman shall be elected to serve for the unexpired term. *For purposes of this section a vacancy shall be deemed to exist if a councilman, without the permission of the Council, absents himself from all regular City Council meetings for 60 days consecutively from the last regular meeting he attended.*"

Amendment–L (Words in *italics* to be added) (Words in ~~strikeout type~~ to be deleted)

First. To amend Article VIII to read as follows:

"Sec. 1. *The powers of recall, initiative and referendum shall be exercised in accordance with the Constitution and the general laws of the State of California.* ~~The holder of any elective office may be removed by the electors qualified to vote for the successor of the officer sought to be removed. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed. equal in number to at least twenty-five per centum of the entire vote cast at the last preceding general municipal~~

election. demanding an election of a successor of the person sought to be removed. shall be filed with the clerk. and said petition shall contain a general statement of the grounds for which the removal is sought.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the municipality shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence. and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed. and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation. it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters. Each signer of said petition shall add to his signature his place of residence, giving the street and number.

Within ten days from the date of filing such petition the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote. and if necessary the Council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient, it may be amended by additional signatures within ten days from the date of said certificate. The clerk shall within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.

If the petition shall be found to be sufficient, the clerk shall submit the same to the Council without delay. and the Council shall thereupon order and fix a date for holding the said election, not less than thirty days and not more than forty days from the date of the clerk's certificate to the Council that a sufficient petition is filed.

All arrangements for said election shall be made and the same shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections; provided, however, that if there be any conflict of provisions, this charter shall control.

Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without

~~nominations. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from his office upon qualification of his successor. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notification of election the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office. In case more than one Councilman is sought to be removed, whose terms shall not expire at the same time, there shall appear on the ballot the date of the expiration of the respective terms and the offices of the Councilmen to be elected for such different terms shall be deemed separate and distinct offices to be filled at such election.~~

~~SEC. 2. Any proposed ordinance may be submitted to the Council by a petition signed by qualified and registered electors of the City equal in number to the percentage hereinafter required. The petition shall set forth a copy of the proposed ordinance, and the form of such petition, signatures, verifications and duties of the clerk in respect thereto, provided in Section 1 of this article for petitions for recall shall apply to petitions of initiative.~~

~~If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to ten percent of the entire vote cast at the last preceding general municipal election, the Council must either pass such ordinance without alteration or submit the same to the electorate at the next regular municipal election that shall occur at any time after sixty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to twenty-five percent of said votes and contains a request that such ordinance be submitted to a vote of the people at a special election, then the Council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition.~~

~~The ballots used when voting upon such proposed ordinance shall contain the words, "For the ordinance", and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the City. The Council may at such election submit any amendment thereto that it may deem proper and the ballots used at such election shall contain the words, "For the amendment", or "Against the amendment" of ordinance (naming the ordinance), and also stating the nature of the proposed amendment. If a majority of the qualified electors voting on said proposed amend-~~

~~ment shall vote in favor thereof, such ordinance shall thereupon be deemed amended in accordance therewith. The Council may also propose and submit any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors, voting thereon, shall be deemed to have been adopted and shall be the valid and binding ordinance of the City. Any ordinance adopted by the electors under the provisions of this article cannot be repealed or amended, except by a vote of the people obtained in the manner hereinbefore stated, unless such ordinance shall otherwise provide.~~

~~Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; provided, that there shall not be held under this section of the charter more than one special election in any period of twelve months.~~

~~Sec. 3. Any ordinance or resolution other than such as may be required to be passed at a particular time for the purpose of complying with a charter or statutory law and excepting such ordinances as may be declared by the Council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, shall be subject to a referendum as herein provided; provided further that the petition for such referendum be filed within thirty days from the final passage of such ordinance or resolution.~~

~~Whenever a petition shall be presented to the Council, asking that a particular ordinance named therein be submitted to a vote of the electors, and signed as required for an initiative petition in Section 2 of this article, it shall be the duty of the Council to submit the question of the approval or rejection of such ordinance or resolution to the electors at a regular or special election, and until such election is held and the ordinance approved by the electors, the provisions of such ordinance or resolution shall be suspended and inoperative.~~

~~All the proceedings relative to the submission of ordinances by initiative shall apply to ordinances submitted by a referendum petition, and the vote thereon shall be of the same force and effect as provided in Section 2.~~ ''

Amendment–M (Words in *italics* to be added) (Words in ~~strikeout type~~ to be deleted)

First: To amend Section 3 of Article XII to read as follows:

''Section 3. In determining the period of service necessary to render any such employee eligible for a pension under the provisions hereof, aggregate service only shall be considered, dating from the date when such employee *commenced employment with the City of Richmond, including time served by such employee in a probationary status.* ~~Was actually confirmed as a regular employee.~~ Such service need not be continuous and may be in any capacity or capacities, and any rights acquired by service shall not be lost by reason of resignation or withdrawal from the service except as otherwise expressly provided.''

Second: To amend Section 3 of Article XI to read as follows:

"Section 3. In determining the period of service necessary to render any member eligible for a pension under the provisions hereof aggregate service only shall be considered, dating from the date when the member ~~was actually confirmed~~ *commenced employment* as a member of either the police or fire departments *and including any time served by such member in a probationary status in either of said departments.* Such service need not be continuous and may be as a member of either said departments, and any rights acquired by service shall not be lost by reason of resignation or withdrawal from either said departments, except as otherwise expressly provided.

All time served by any member of either said departments, who leaves the service of either department to enter the armed forces of the United States, while the United States is engaged in war, or immediately prior thereto, as well as after the termination of hostilities of all wars in which the United States is engaged, shall be included in the aggregate service of such member; provided that such member must apply for employment in either said departments within ninety (90) days after discharge under honorable conditions. This shall apply to all wars involving the United States, past, present and future."

Amendment–N (Words in ~~strikeout type~~ to be deleted)

First: To repeal Section 19 of Article XI:

~~"Sec. 19. In the event one receiving a pension hereunder shall be in receipt of a pension or annuity from any governmental source or agency, then the amount payable hereunder to the one so receiving such pension or annuity from any said governmental source or agency, shall be reduced to such amount so that both it and such pension or gratuity from any said governmental source or agency shall equal the maximum pension provided hereunder to be paid any such person; provided, however, that none of the provisions of this Section 19 shall apply to veterans, or to any pension or other amounts or annuities paid to any veteran by any said governmental source or agency."~~

Second: To repeal Section 19 of Article XII:

~~"Sec. 19. In the event one receiving a pension hereunder shall be in receipt of a pension or annuity from any governmental source or agency, then the amount payable hereunder to the one so receiving such pension or annuity from any said governmental source or agency shall be reduced to such amount so that both it and such pension or annuity from any said governmental source or agency shall equal the maximum pension provided hereunder to be paid any such person; provided, however, that none of the provisions of this Section 19 shall apply to veterans, or to any pension or other amounts or annuities paid to any veteran by any said governmental source or agency."~~

Amendment–O (Words in *italics* to be added) (Words in ~~strikeout type~~ to be deleted)

First: To amend Article XIII, Section 6, Paragraph 3, to read as follows:

"Section 6. Every other (alternate) appointment shall be made from a panel of three names submitted by ~~a committee representing all~~ city employees. *Said panel shall be selected through an election to be conducted by the City Clerk in accordance with rules established by the Personnel Board.* Members appointed to this board shall be subject to removal from said board for a just cause by a six ninths vote of the Council prior to the expiration of the term of which they were appointed."

Amendment–P (Words in *italics* to be added) (Words in ~~strikeout type~~ to be deleted)

First: That Article V be amended to read as follows:

"Article V Elections

Section 1. All elections for Councilmen shall be held in accordance with the general laws of the State governing elections within municipalities unless otherwise provided by this charter or by ordinance of the Council; ~~and elections for members of the Board of Education shall be held in accordance with the general laws of the State governing the election of trustees of school districts, unless otherwise provided by this charter or by an order of the Board of Education~~.

Section 2. Nominations for Councilman ~~and Members of the Board of Education~~ shall be made as herein provided.

Section 3. Petitions shall be filed in the office of the City Clerk for the nomination of Councilmen, ~~or with the Clerk of the Board of Education for the nomination of members of said board.~~ not earlier than the ninetieth day nor later than 12 o'clock noon of the sixtieth day prior to the day fixed for the election of the same, asking that the person named therein be a candidate for the office of *Councilman* ~~naming it~~, and giving the residence of said person within the City of Richmond ~~or the Richmond School District~~. Such petitions shall be signed by not less than twenty (20) nor more than thirty (30) qualified and registered voters. ~~The requirements as to signatures, the verification of the petition and certification thereof provided in Section 1 of Article VIII for petitions for recall. shall apply in petitions for nominations for public office.~~ A filing fee in the amount of two per cent (2%) of the annual salary of the office to which nomination is sought shall be paid to the Clerk at the time of filing the petition for nomination.

Section 4. If petitions asking for nominations to the number of more than twice the number of officers to be elected at such election are filed, then a primary election shall be held five weeks prior to the date fixed in the Charter or date of

special election if such election is called, for the election of such officers. If less than such number of petitions are filed, then no such primary election need be held, but the persons named in such petitions shall be deemed candidates for the office named, at the election to be held for election of such officers and the names of such candidates shall be printed on the official ballot to be used at such election or indicated on ballot machines, if such machines shall be used.

Section 5. If a primary election is held, it shall be the duty of the Council, ~~in case of the nomination of Councilmen, and of the Board of Education, in case of the nomination of members of the board,~~ to provide for the holding of same, shall designate the precincts, polling places, appoint officers of election (which need not be more than one inspector, one judge and one clerk) but such precincts, polling places and officers shall conform as nearly as possible to those designated and selected for and at the election of officers thereafter to follow. In case the Council ~~or Board of Education fail~~ *fails* to make the necessary provisions for such primary election, then the Clerk ~~or the Clerk of the Board of Education~~ shall perform such duties. The ~~proper~~ Clerk shall give notice of such primary election and shall state therein the names of the candidates whose petitions shall have been filed and such notice shall be published in the official newspaper of the City for five days prior to the day of such election. He shall also cause ballots to be printed, stating the office to be filled and the candidates therefor whose petitions have been filed, printing the names of such candidates upon said ballot in the order provided in the general laws of the State governing elections within municipalities. Said ballot shall contain a direction as to the number of candidates which one voter may vote for, which shall be the same number as is to be elected to the office at the regular election to follow; also instructions required to be printed on ballots by the general laws, so far as such instructions may be applicable. All ballots cast or marked contrary to such instructions shall be void. The polls shall be open during the same hours as required for the regular election thereafter to follow and in all respects the election shall be held and conducted, and the votes cast thereat shall be counted and returns thereof made as may be required for the election at which are to be elected the officers for the nomination of which the primary election is held.

Section 6. The returns of such primary election shall be filed with the City Clerk, ~~or the Clerk of the Board of Education, as the case may be,~~ and within forty-eight hours thereafter the ~~said~~ Clerk shall open and canvass such returns and declare the result of such election. The candidates to the number of twice the number of officers to be elected at the regular election thereafter to follow, receiving the highest number of votes at such primary election shall be declared to be the candidates to be voted for at the said following regular election. Their names shall be printed on the official ballot to be

used at such election in the order of the number of votes received by each such candidate, the name of the candidate receiving the highest number of votes to be placed at the head of the list. In case the highest number of votes cast cannot be determined by reason of a tie between one or more candidates, then the names of all such candidates whose votes are tied shall be placed on the official ballot. The names of all candidates to be voted for thus selected at the primary election shall be published for one week prior to the regular election in the official paper of said City.

Second· That Article VI be repealed·

~~Article VI School Department~~

~~Section 1. The School Department of the City of Richmond and of Richmond School District of the County of Contra Costa, State of California, shall be under the management and control of a board of education.~~

~~The Board of Education shall be composed of five (5) members who shall have been citizens of the United States of America and residents of the Richmond School District for at least one year next preceding the date of their election, and their terms of office shall be six years from and after the first day of July next succeeding their election, except as herein otherwise provided.~~

~~Elections for members of the Board of Education shall be held on the day fixed in the California School Code for the election of school trustees. Elections shall be held in each odd numbered year.~~

~~At the next regular meeting of the existing board of education following the approval of this amendment, the board shall appoint two additional members and fix their terms of office. The terms of office shall be so arranged that two members shall be elected in 1946, two members in 1948, and one member in 1950. The members of the Board of Education shall serve without compensation.~~

~~Section 2. Until the appointment and qualification of the two additional members of the Board of Education as herein provided, the present Board of Education shall be and constitute the Board of Education of the City of Richmond and of Richmond School District of the County of Contra Costa, State of California, and shall exercise the powers as provided in the Charter of the City of Richmond.~~

~~Section 3. Said Board of Education shall have and exercise all the powers conferred upon boards of trustees and boards of education by the laws of the State of California and in addition thereto shall have power:~~

~~1. To choose one of its members as president of the board, fix a time and place for holding regular meetings, which shall be public, provide for holding special meetings, adopt rules for governing its own proceedings, and adopt an official seal.~~

~~2. To appoint a superintendent of schools for a term of four (4) years and fix his compensation. To appoint such assistant superintendents and deputy superintendents of schools as it may deem necessary.~~

~~3. To construct school buildings when necessary, and no special election need be held to authorize such construction.~~

~~4. To prescribe the requirements for graduation from the public schools, and issue certificates of graduation.~~

~~5. To provide the manner in which all elections shall be held and conducted for the election of members of said board and such special elections as may be authorized by law, except as in this charter otherwise provided.~~

~~6. To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to manage, hold or dispose of such property in accordance with the terms of any bequests, devise or donation.~~

~~7. To fill any vacancy in the membership of the board by appointment, the person so appointed to serve for the balance of the unexpired term of the member replaced or until the last day of June following the next election held for the election of one member only of such board, whichever occurs first.~~

~~8. It shall elect and fix the salaries of all employees, but such election shall be made only from a list of candidates nominated and recommended by the superintendent of schools, but the board may make rules in accordance with which such nominations and recommendations shall be made. It shall fix a time when such election of employees shall be had.~~

~~Section 4. The superintendent of schools shall be the executive officer of the Board of Education and subject only to the orders thereof, and all principals, teachers and other employees shall be under the control and direction of the superintendent. He must examine and, in conjunction with the board, approve all plans for the construction or reconstruction of school buildings. He shall have supervision of the course of instruction and the discipline and conduct of the schools and recommend all text books prior to their adoption by the board. He shall act as clerk of the Board of Education. He shall assign all teachers and principals, and make such transfers as may be necessary to the successful operation of the schools.~~ ''

Amendment–Q amending Article XIV (Off Street Parking) of the Charter of the City of Richmond to read as follows:

First: To repeal Article XIV in its entirety because the provisions are obsolete and inoperative.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Richmond with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full and true, correct and exact copy of said amendments.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Richmond to be affixed this 24th day of June, 1968.

JOHN J. SHERIDAN
(SEAL) Mayor of the City of Richmond
Attest:
HARLAN J. HEYDON
Clerk of the City of Richmond

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Richmond, as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of the City of Richmond

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RESOLUTION CHAPTER 189

Assembly Concurrent Resolution No. 111—Relative to the testing of steam-powered vehicles.

[Filed with Secretary of State July 18, 1968.]

WHEREAS, The California Legislature has long recognized the serious and growing threat to health, agriculture, and the economy created by motor vehicle air pollution and has systematically and progressively acted to combat this threat through legislation and the encouragement of research; and

WHEREAS, Recent legislative studies and hearings have indicated that modern steam engines are characterized by very low emissions, economical operation and high power output; and

WHEREAS, The Department of the California Highway Patrol has expressed an interest and willingness to test operational steam-powered vehicles, provided this may be done at little or no cost or inconvenience to the patrol; and

WHEREAS, At least one manufacturer of a steam-powered engine has indicated a willingness to submit steam-powered vehicles to the Department of the California Highway Patrol for testing, and for such time as the Department of the California Highway Patrol may need to make a full appraisal of modern steam cars; and

WHEREAS, Various public and private organizations have expressed an interest in underwriting the cost of a program involving the testing and appraisal of steam-powered vehicles; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members request and encourage the Department of the California Highway Patrol, provided that it may do so at little or no cost or inconvenience, to: (1) explore all likely possibilities for carrying out testing of steam-powered engines in standard fleet vehicles of the Department of the California Highway Patrol and under the usual operating conditions and requirements for such vehicles; (2) commence consideration of the design of an appropriate test program; and (3) consult with such public and private agencies, firms and individuals as will assist the Department of the California Highway Patrol in carrying out the intent of this resolution; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Commissioner of the California Highway Patrol, the Chairman of the State Air Resources Board, the Administrator of the Health and Welfare Agency, the Secretary of Health, Education and Welfare, and the Secretary of Transportation.

RESOLUTION CHAPTER 190

Assembly Concurrent Resolution No. 156—Relative to William Hugh Baber.

[Filed with Secretary of State July 18, 1968]

WHEREAS, William Hugh Baber, one of California's most respected farm leaders, passed away on June 17, 1968; and

WHEREAS, He was born on August 24, 1892, at Maxwell, Colusa County, was graduated from Maxwell schools and Heald's Business College at Stockton; and

WHEREAS, After college he entered ranching, operating a rice farm with his father, the late William Baber, and in 1919 he joined the Parrott Investment Company as superintendent for the firm's Llano Seco Rancho farming operation and held that position until his death; and

WHEREAS, He was president of the California Wool Growers Association in the mid-1930's, in 1960 he was elected vice president of the National Wool Growers Association, and served as the organization's president in 1962 and 1963; and

WHEREAS, He was a past president of the California Cattlemen's Association; a past chairman of the American Sheep Producers Council and served on a number of swine producers committees and had been vice president of the Rice Growers Association of California since that organization was founded; and

WHEREAS, He was a 50-year member of the Chico Lodge 423, Benevolent and Protective Order of Elks, and was also a member of the Sutter Club in Sacramento; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members extend their sincere condolences to the family of William Hugh Baber upon his death; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to his widow, Benita Baber.

RESOLUTION CHAPTER 191

Assembly Joint Resolution No. 11—Relative to timber exports

[Filed with Secretary of State July 18, 1968.]

WHEREAS, Increasing exports of logs from federal forests in California to Japan pose a serious threat to the economy of northern California counties where timber production and manufacture provide the major employment base; and

WHEREAS, Japan is experiencing a housing construction boom, purchasing much of their raw timber from West Coast states; and

WHEREAS, This large export of timber creates a critical shortage of raw materials for local mills and construction companies, with resultant price increases on raw timber; and

WHEREAS, Such price increases are passed along to purchasers, thereby increasing greatly the costs of urban renewal; and

WHEREAS, The Secretaries of Agriculture and the Interior have recently issued orders limiting the quantity of logs grown on federal lands in Washington and Oregon that may be exported; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to examine the problem and effect of increased timber exports to Japan, which result in increased pressure on local timber companies and increased prices for timber, and to condition all future sales of timber from federal lands in California with requirements for domestic manufacture until a review is made to determine domestic needs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 192

Senate Concurrent Resolution No. 19—Relative to nonprofit rehabilitation workshops.

[Filed with Secretary of State July 19, 1968.]

WHEREAS, There are approximately 150 nonprofit rehabilitation workshops in the State of California serving mentally retarded, emotionally disturbed, neurologically and orthopedically handicapped persons, as well as working with the medical profession in the treatment of certain diseases; and

WHEREAS, These rehabilitation workshops provide vocational rehabilitation and habilitation services to persons with such types of handicapped conditions; and

WHEREAS, The majority of these rehabilitation workshops are directly supported financially through local board member audit and direction from the industrial, lay and professional community; and

WHEREAS, These rehabilitation workshops from 1962 through 1967 have removed persons from welfare rolls and placed into competitive employment 5,996 persons at major savings to taxpayers; and

WHEREAS, Some of these same rehabilitation workshops have sustained many such severely disabled people within remunerative employment to the extent of their productive capacity thus saving tax dollars by providing opportunity for these same persons to remain outside of state institutions and hospitals; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Rehabilitation is hereby requested to provide full support, utilize to the greatest extent possible, encourage further development and assist to sustain, these on-the-job training programs, these employment-ready rooms, these work–behavior-conditioning facilities that ready personnel to assume an apprenticeship, trade school, or competitive employment status, which are provided by these rehabilitation workshops; and be it further

Resolved, That the Senate makes this request:

With full recognition that rehabilitation workshops have firmly established relationships with private industry in the subcontracting of work and with industry in the placement of competent graduates from rehabilitation workshop programs; and

With full recognition that rehabilitation workshops are audited, directed, and controlled by industrial, lay, and professional local community board members approximating some 3,000 persons in the State of California; and

With full knowledge that the number of auxiliary and volunteer local community people supporting these workshops

approximate 20,000 residents of the State of California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Rehabilitation.

RESOLUTION CHAPTER 193

Senate Concurrent Resolution No. 59—Relative to waste water reclamation and reuse.

[Filed with Secretary of State July 19, 1968]

WHEREAS, The Legislature has declared that the people of the state have a primary interest in the development of facilities to reclaim waters containing sewage or industrial waste to supplement existing surface and underground water supplies and to assist in meeting the future water requirements of the state; and

WHEREAS, The Legislature has further found and declared that a substantial portion of the future water requirements of this state may be economically met by beneficial reuse of waste waters that have been reclaimed; and

WHEREAS, The Legislature has stated its intent that the state undertake all possible steps to encourage development of waste water reclamation facilities so that reclaimed waste water may be made available to help meet the growing water requirements of the state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Water Resources, in cooperation with the State Water Resources Control Board, is directed to carry out its studies conducted pursuant to Section 230 of the Water Code in conformity with the principle that sewage and other waste waters are reclaimed and reused to the maximum feasible extent consistent with protection of the public health, including the extent to which waste water reclamation may reduce the need for supplementary surface water supplies, and to report thereon, together with recommendations, not later than the fifth legislative day of the 1969 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Water Resources and the Chairman of the State Water Resources Control Board.

RESOLUTION CHAPTER 194

Senate Concurrent Resolution No. 76—Relative to the diversion of water from the Eel River.

[Filed with Secretary of State July 19, 1968.]

WHEREAS, The State Department of Water Resources has published Bulletin No. 171 entitled "Upper Eel River De-

velopment: Investigation of Alternative Conveyance Routes"; and

WHEREAS, Bulletin No. 171 has recommended the adoption of the Glenn Route, featuring the Dos Rios-Grindstone Tunnel, for diversion of Middle Fork Eel River water to the Sacramento-San Joaquin Delta, and that further feasibility level planning studies of the Middle Fork Eel River Development be confined to the Glenn Route; and

WHEREAS, The Lake County Flood Control and Water Conservation District has engaged the Kaiser Engineers of Oakland to review all material relating to the Upper Eel River Development and to the selection of a conveyance route for the diversion of water to the Sacramento-San Joaquin Delta; and

WHEREAS, A report has been submitted by the Kaiser Engineers on such conveyance routes and has been accepted by the Board of Directors of the Lake County Flood Control and Water Conservation District; and

WHEREAS, Such report represents an extensive analysis of the factors underlying the proper selection of such a conveyance route and deserves careful consideration before any final decision is made regarding the adoption of such a conveyance route; and

WHEREAS, Copies of such report have been forwarded to the State Department of Water Resources, the U.S. Army Corps of Engineers, the U.S. Bureau of Reclamation, the U.S. Soil Conservation Service, and other interested agencies and persons; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Department of Water Resources to make additional studies of the water demands and allocation of cost of water to meet these demands in the North Bay area, including the Counties of Marin, Solano, Napa, Sonoma, Lake, Mendocino, Yolo, Colusa, and Glenn, and of the quality of the waters of Clear Lake; to review and update its previous studies in relation to present and potential water service areas in and adjacent to the Upper Eel River Basin; and to report to the Legislature during the 1969 legislative session its recommendations relating to the extent to which further routing studies should be undertaken; and be it further

Resolved, That the department is requested to keep the Lake County Flood Control and Water Conservation District and the Eel River Association fully informed as to the progress of its studies; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Water Resources.

RESOLUTION CHAPTER 195

Assembly Concurrent Resolution No. 160—Approving amendments to the Charter of the City of Sacramento, County of Sacramento, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the fourth day of June, 1968.

[Filed with Secretary of State July 22, 1968.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

State of California }
County of Sacramento } ss
City of Sacramento }

We, the undersigned, Richard H. Marriott, Mayor of the City of Sacramento, State of California, and Elmer C. Cleveland, City Clerk of said City, do hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been, ever since the year 1921, organized, existing, and acting under a freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the majority of the qualified electors of said City at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on January 24, 1921. (Statutes of 1921, page 1919).

That in accordance with the provisions of Article XI of Section 8 of the Constitution of the State of California, the City Council of the City of Sacramento, being the legislative body thereof, on its own motion duly and regularly submitted to the qualified electors of the City of Sacramento two propositions for the amendment of the Charter of the City of Sacramento at the special municipal election consolidated with the State Direct Primary Election held within the City on June 4, 1968. That said propositions were designated as "Measure G, Relating to Qualifications of Officers and Conduct of Elections," and "Measure H, Relating to the Dismissal of City Employees."

In accordance with the provisions of Section 8 of Article XI, of the Constitution of the State of California, and the Charter of the City of Sacramento, the said proposed amendments were published and advertised in full, on April 17, 1968, in the Sacramento Union, a daily newspaper of general circulation, printed and published in the City of Sacramento, the official newspaper of said City of Sacramento. The foregoing is shown by the affidavit of publication on file in the office of the City Clerk.

That copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Sacramento within the time and manner required by law.

And until the date fixed for the Special Municipal Election, June 4, 1968, as hereinafter set forth, there was published in said Sacramento Union an advertisement stating that copies of said proposed charter amendments could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said City at all times, to and including June 4, 1968, the date fixed for said special election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Sacramento, and in the manner provided by law, the said special municipal election consolidated with the State Direct Primary Election was duly and regularly held in said City on June 4, 1968, after due notice was given and published on April 17, 1968, which said last aforementioned day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendment in the Sacramento Union, the official newspaper of said City of Sacramento. That at said election, a majority of the qualified electors voting upon the proposed charter amendment voted in favor of Measure G (Relating to Qualifications of Officers and Conduct of Elections) and in favor of Measure H (Relating to the Dismissal of City Employees), and ratified the same.

That thereafter the Board of Supervisors of Sacramento County, through the County Clerk, did in the manner provided by law, duly and regularly cause the canvass of the returns of said election and report the results thereof to the City Council. That the City Council did adopt a resolution approving the results of the canvass of the returns of said election, and did also by said resolution, find, determine and declare that certain proposed amendment designated as Measure G (Relating to Qualifications of Officers and Conduct of Elections) and that certain proposed amendment designated as Measure H (Relating to the Dismissal of City Employees)

to the Charter of the City of Sacramento, as hereinafter set forth, were ratified by a majority vote of the electors of said City voting thereon.

That as to said amendments to the Charter of Sacramento, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the said amendments to the Charter of the City of Sacramento so ratified by the qualified electors of said City are as follows:

Measure G

To amend Section 177 of Article XX of the Charter of the City of Sacramento to read as follows:

"Sec. 177. Restrictions Upon Officers and Employees

No person shall be elected or appointed to any office, position or employment, the compensation of which was increased or fixed by the city council while said person was a member thereof, until after the expiration of one year from the date when he ceased to be a member of the city council. The provisions of Article 4, Chapter 1, Division 4, Title I of the Government Code of the State of California, as the same now exist or hereafter may be amended, relating to prohibitions applicable to specified officers, are hereby adopted by reference and shall apply to the city. No officer, clerk, assistant or employee shall receive any commission, money or thing of value or derive any profit, benefit or advantage, directly or indirectly, from or by reason of any dealings with or service for the city by himself or others, except his lawful compensation as such officer, clerk, assistant or employee. The violation of the provisions of this section by any such officer, clerk, assistant or employee shall work the forfeiture of such office or employment. No person shall hold more than one office under the city government nor receive more than one salary from the city for the same time."

To repeal Sections 187, 188, 189, 190, 191, 193, 194, 195, 196, 197, 198, and 199 of Article XXI of the Charter of the City of Sacramento.

To amend Section 200 of Article XXI of the Charter of the City of Sacramento to read as follows:

"Sec. 200. Application of the General Law

Unless otherwise provided for by ordinances hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may be hereafter amended, for the holding of elections in cities, insofar as the same are not in conflict with this Charter."

Measure H

To repeal Section 178 of Article XX of the Charter of the City of Sacramento, and to amend Sections 50 and 52a of

Article VIII of the Charter of the City of Sacramento to read as follows:

"Sec. 50. Right of Appeal

If discharged after the expiration of said period, the employee so discharged may appeal in accordance with the provisions of Section 52a of this Charter."

"Sec. 52a. Power and Duties of the Civil Service Board

It shall be the duty of the civil service board to:

(1) Adopt and maintain the classification plan. The classification plan shall consist of classes of positions in the classified service defined by class specifications, including title, a description of duties and responsibilities and a statement of employment standards to be required of applicants for employment in each class. From time to time as it deems necessary, the board may establish additional classes and divide, combine, alter, or abolish existing classes

Each position in the classified service shall be allocated by the personnel officer to one of the classes established by the plan; provided, that whenever a new or additional position is authorized by the city manager, the personnel officer shall allocate each proposed position to an appropriate existing class or recommend the creation of a new class to the civil service board.

When action is taken by the board to establish additional classes or to divide, combine, alter, or abolish existing classes, or upon the reallocation of positions by the personnel officer, the civil service board shall determine the manner in which the incumbents of positions affected shall attain status.

(2) Formulate rules and regulations covering the examination of applicants for positions in the classified service and the promotion of employees in the classified service, including rules for preparation of examination announcement notices, accepting applications, administering examinations, eligibility for promotion, seniority credits, establishing eligible registers and reinstatement lists, certification, appointment, probationary period, and any other matter necessary to the recruitment and selection of employees.

(3) Hear appeals, upon written request from any employee in any city department in the classified service, who may be suspended without pay, demoted, dismissed, or otherwise disciplined by the appointing authority. The board shall define the manner, time and place by which such appeal shall be heard and the judgment of the board shall be final.

(4) Hear appeals, upon written request, from any employee in any city department in the classified service, with reference to the allocation or reallocation of his position by the personnel officer.

(5) Prepare annual wage and salary surveys, and make recommendations to the city council on salary ranges to apply to each class of position in the municipal service, in accordance with the provisions of section 52 of this Charter; provide, by rule, for the interpretation and administration of ordinances

affecting personnel, when specifically directed to do so by the city council, and to provide, by rule, for the regulation of any other matter pertaining to personnel administration not in contradiction with the provisions of this section."

We further certify that we have compared the foregoing ratified amendments to the Charter of the City of Sacramento with the original proposals submitted to the electors of said City, and find that the foregoing is a full, true, and correct and exact copy of each such amendment.

In witness whereof, we have hereunto set our hands and caused the Seal of said City of Sacramento to be affixed hereto on

RICHARD H. MARRIOTT Mayor
(SEAL) City of Sacramento
ELMER C. CLEVELAND City Clerk

Approved as to form:
JOSEPH E. COOMES, JR., City Attorney

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinafter set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Sacramento, County of Sacramento, as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of the City of Sacramento.

RESOLUTION CHAPTER 196

Senate Concurrent Resolution No. 97—Relative to California International Sea Festival Week.

[Filed with Secretary of State July 22, 1968.]

WHEREAS, The State of California is blessed with miles of the most beautiful beaches to be found anywhere in the world, with some of the finest, most active natural and manmade harbors in the world, and has become the world center for oceanographic research and development; and

WHEREAS, The people of the State of California are recognized internationally for their love of aquatic recreation and

sports, having recourse to the Pacific Ocean as well as to countless natural and manmade inland waters; and

WHEREAS, The City of Long Beach has been in the forefront of both these major paths of development in its knowledge and use of the seas by being the home of many governmental and industrial enterprises, and by municipal construction of the world's largest publicly owned marina, of the famed Long Beach Marine Stadium, the new Belmont Plaza Olympic Pool, and other public facilities; and

WHEREAS, The City of Long Beach can rightfully consider itself to be the Water Sports Capital of the World, by virtue of her fine facilities and her annual sponsorship of the California International Sea Festival; and

WHEREAS, The California International Sea Festival consists of more than a full week of competitions and demonstrations of many kinds of aquatic events, involving hundreds of participants and officials, encompassing virtually every type of vessel; and

WHEREAS, The City of Long Beach has extended its invitations not only to its citizens, but also to the citizens of the entire State of California and to the citizens of all her sister states to visit California and take part in the California International Sea Festival; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members hereby commend and thank the City of Long Beach for its encouragement of oceanographic science and industry and for its development of fine public recreational facilities open to citizens of the entire State of California; and be it further

Resolved, That the Legislature affirms the California International Sea Festival to be the world's largest sea spectacular; and be it further

Resolved, That the Legislature requests Governor Reagan to proclaim the dates August 3, 1968, to August 11, 1968, inclusive, as "California International Sea Festival Week"; and be it further

Resolved, That the members, collectively and individually, encourage the citizens of the State of California to visit the City of Long Beach during "California International Sea Festival Week" to take part in events and to enjoy them as spectators; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and a suitably prepared copy to the City of Long Beach.

RESOLUTION CHAPTER 197

Senate Concurrent Resolution No. 101—Approving certain amendments to the Charter of the City of San Diego, a municipal corporation, in the County of San Diego, State of California, approved and ratified by a majority of the qualified electors of the City of San Diego at the special municipal election held June 4, 1968.

[Filed with Secretary of State July 22, 1968.]

WHEREAS, Proceedings have been conducted for the proposal, adoption and ratification of certain amendments to the Charter of The City of San Diego, a municipal corporation, in the County of San Diego, State of California, as set out in the certificate of the Mayor and the City Clerk of The City of San Diego as follows:

State of California }
County of San Diego } ss.

We, the undersigned, Frank Curran, Mayor of The City of San Diego, and John Lockwood, City Clerk of The City of San Diego, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation, is now and has been since the year 1931 organized and existing pursuant to the provisions of a freeholders' charter adopted in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California.

Pursuant to Section 8, Article XI of the Constitution of the State of California, the City Council of The City of San Diego, being the legislative body, proposed on its own motion to the qualified electors of The City of San Diego certain amendments to the Charter of the City, which amendments were designated as Proposition A, and submitted this proposition to the qualified electors of the City at the Special Municipal Election held on June 4, 1968, which election was duly consolidated with the Statewide Primary Election held on the same date.

The proposed Charter amendments were published and advertised in the San Diego Union, a daily newspaper of general circulation and published in the City and designated as the official newspaper by the City and in each edition of the Union during the day of publication which was April 11, 1968.

Copies of the proposed Charter amendments were printed in convenient pamphlet form in type of not less than ten point, and were mailed to each of the qualified electors of the City. Until the date fixed for the election a notice was published in the San Diego Union that copies of the proposed Charter amendments were available at the office of the City Clerk, and that the pamphlet would be available until the date fixed for the election.

The proposed amendments were submitted to the qualified electors of the City at the Special Municipal Election held in the City.

At the election a majority of the qualified voters of the City voting on the proposed amendments voted in favor of Proposition A and the proposed amendments were therefore ratified by a majority of the qualified electors of the City voting on them.

All the proceedings were duly and regularly conducted pursuant to Section 8 of Article XI of the Constitution of the State of California, the Charter of The City of San Diego and the laws of the State of California.

As to the amendments to the Charter of The City of San Diego set forth below, this certificate shall constitute full and complete certification of the regularity of all proceedings.

The proposed amendments to the Charter of The City of San Diego which were ratified are as follows:

Section 80. Money Required To Be In Treasury.

No contract, agreement, or other obligation, involving the expenditure of money out of appropriations made by the Council in any one fiscal year shall be entered into, nor shall any order for such expenditure be valid unless the Auditor and Comptroller shall first certify to the Council that the money required for such contract, agreement or obligation for such year is in the treasury to the credit of the appropriation from which it is to be drawn and that it is otherwise unencumbered. The certificate of the Auditor and Comptroller shall be filed and made a matter of record in his office and the sum so certified as being in the treasury shall not thereafter be considered unencumbered until the City is discharged from the contract, agreement or obligation. All unencumbered moneys actually in the treasury to the credit of the appropriation from which a contract, agreement or obligation is to be paid and all moneys applicable to its payment which before the maturity thereof are anticipated to come into the treasury to the credit of such appropriation shall, for the purpose of such certificate, be deemed in the treasury to the credit of the appropriation from which the contract, agreement or obligation is to be paid.

Section 99. Continuing Contracts.

The City shall not incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year unless the qualified electors of the City, voting at an election to be held for that purpose, have indicated their assent as then required by the Constitution of the State of California, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, anything to

the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when the qualified electors of the City, voting at an election for that purpose have indicated their assent as then required by the Constitution of the State of California, such proposition shall be deemed adopted. No contract, agreement or obligation extending for a period of more than five years may be authorized except by ordinance adopted by a two-thirds' majority vote of the members elected to the Council after holding a public hearing which has been duly noticed in the official City newspaper at least ten days in advance.

We further certify that we have compared the amendments to the Charter of The City of San Diego set forth above with the original proposal submitting these amendments to the electors of the City and find that the language set forth above is a full, true and exact copy of the original proposal.

In witness whereof, we sign our names to this certificate and have caused the seal of The City of San Diego to be affixed to it this 3rd day of July, 1968.

(SEAL)

FRANK CURRAN
Mayor of The City of
San Diego, California
JOHN LOCKWOOD
City Clerk of The City of
San Diego, California

and

WHEREAS, The proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8, Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of San Diego as set forth in the certificate of the Mayor and the City Clerk of the City of San Diego and as submitted to and adopted and ratified by a majority of the qualified electors of the City of San Diego who voted on the amendments are hereby approved as a whole, without amendment or alteration as amendments to and as a part of the Charter of the City of San Diego.

RESOLUTION CHAPTER 198

Senate Concurrent Resolution No. 43—Relative to a species plan for bighorn sheep.

[Filed with Secretary of State July 23, 1968]

WHEREAS, Bighorn sheep are one of California's most magnificent native wildlife species; and

WHEREAS, The status of this renowned wilderness animal remains in apparent jeopardy despite 85 years of full protection under the laws of this state; and

WHEREAS, There is insufficient information on the current status of bighorn sheep in California to enable protection, preservation and management programs to ensure that this species will continue to contribute to the enjoyment of the citizens of this state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Fish and Game is requested to gather information on the current status and composition of bighorn sheep herds and factors limiting the size of such herds, and to investigate the possibility of increasing both herd size and range through water development, reintroductions, control of competition, and other methods, and to report thereon, including a detailed species plan for the protection, preservation and management of bighorn sheep, to the Legislature not later than the 30th legislative day of the 1970 Regular Session of the Legislature; and be it further

Resolved, That the Department of Fish and Game, in developing the aforementioned species plan, is requested to solicit the advice of affected state, federal and private conservation agencies, including the California Wildlife Federation, Sierra Club, Desert Bighorn Council, Desert Protective Association, and National Audubon Society; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Administrator of the Resources Agency and to the Director of the Department of Fish and Game.

RESOLUTION CHAPTER 199

Senate Concurrent Resolution No. 53—Relative to requesting the Department of Housing and Community Development and the Department of Parks and Recreation to prepare a report on the minimum standards to protect public health in public and private campgrounds and trailer parks.

[Filed with Secretary of State July 23, 1968]

WHEREAS, The State of California and various governmental agencies within the state are operating campgrounds and trailer parks serving the public; and

WHEREAS, These campgrounds and trailer parks are in many instances in direct competition with private enterprise attempting to provide the same sort of service to the public; and

WHEREAS, The law of this state and the administrative regulations of the Commission of Housing and Community Development set up a very stringent and restrictive set of regulations applicable only against private operators; and

WHEREAS, The Department of Housing and Community Development asserts that all of the regulations of the commission are necessary to protect the public health; and

WHEREAS, It is not the intent of the Legislature to allow any state agency to create, operate, maintain or participate in any campground, trailer park, or other recreational facility which would be contrary to good health practices; and

WHEREAS, It is not the intent of the Legislature to allow the state to engage in the business of operating campgrounds or trailer parks, unfairly competing with private enterprises similarly engaged; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Housing and Community Development, in cooperation with the Department of Parks and Recreation, is requested to prepare and submit to the President pro Tempore of the Senate and the Speaker of the Assembly as soon as possible, but in no event later than the 5th day of the 1969 Regular Session, a list of minimum standards for campgrounds and trailer parks which would protect the public health and be applicable to public as well as private facilities; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of Housing and Community Development and the Director of Parks and Recreation.

RESOLUTION CHAPTER 200

Senate Concurrent Resolution No. 74—Relative to a review of the vital statistics divorce reporting program.

[Filed with Secretary of State July 23, 1968.]

WHEREAS, Chapter 1893, as enacted by the 1965 Regular Session of the Legislature of the State of California, established a new vital statistics reporting program for divorces, annulments and legal separations; and

WHEREAS, Said legislation provides that the presently constituted vital statistics divorce reporting program shall remain in effect through December 31, 1969; and

WHEREAS, Said legislation includes a provision for periodic review in order that such adjustments as may be indicated can be made by the Legislature; and

WHEREAS, The Legislature deems it necessary to review and appraise the vital statistics divorce reporting program suffi-

ciently in advance of the December 31, 1969, expiration date in order to take appropriate action; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of Public Health, in his capacity as ex officio State Registrar of Vital Statistics, is requested to prepare a report on the experience to date of the new vital statistics divorce reporting program, including, but not limited to, an appraisal of the necessity and desirability of continuation of the divorce reporting program with modifications based on the experience to date; and be it further

Resolved, That the State Department of Public Health is requested to submit the report to the President pro Tempore of the Senate and the Speaker of the Assembly not later than the 30th legislative day of the 1969 Regular Session; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Health.

RESOLUTION CHAPTER 201

Senate Concurrent Resolution No. 13—Relative to night parking of vehicles in state parks.

[Filed with Secretary of State July 23, 1968]

WHEREAS, California citizens, as well as visitors from other states, in ever-increasing numbers are touring the state; and

WHEREAS, While efforts are being made to provide enough state park facilities to meet the demand, there are thousands of persons turned away every season because established camping areas are full; and

WHEREAS, Many families turned away from the parks must eventually find parking space for the night on the highway or endanger themselves and others by driving under conditions of fatigue; and

WHEREAS, The California Highway Patrol has expressed concern for the safety of those families parking all night in remote spots and recent legislation has made such parking illegal; and

WHEREAS, California state parks have many areas devoted during the daylight hours to parking and picnicking, which during the hours between sunset and sunrise are now used for overflow parking; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That it is hereby declared to be the policy of the State of California that maximum effort be made for overflow accommodation of travelers during the hours of darkness; and be it further

Resolved, That the Department of Parks and Recreation is requested to make a study to determine the maximum overflow capacity of its state park units consistent with current availability of sanitation, water, and supervision, and appropriate fees to defray the additional costs and to submit a report of the findings to the Legislature no later than the 60th day of the 1969 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Department of Parks and Recreation.

RESOLUTION CHAPTER 202

Assembly Concurrent Resolution No. 102—Relative to the Joint Committee on Legislative Organization and the Constitution Revision Commission.

[Filed with Secretary of State July 25, 1968.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available the sum of seven hundred fifty-two thousand three hundred eighty-one dollars ($752,381), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and the Senate for the expenses of the Joint Committee on Legislative Organization (created by Section 9107 of the Government Code and Joint Rule 40) and its members and for any charges, expenses, or claims it may incur under said statute and resolution and for the expenses of the Constitution Revision Commission and its members, to assist the committee in its revision of the California Constitution, to be paid from the said contingent fund and disbursed after certification by the Chairman of the Joint Committee on Legislative Organization upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That the Joint Committee on Legislative Organization is authorized to continue the existence of the Constitution Revision Commission as continued in existence pursuant to Resolutions Chapter 163 of the 1967 Regular Session.

RESOLUTION CHAPTER 203

Senate Joint Resolution No. 8—Relative to wildlife habitat research.

[Filed with Secretary of State July 25, 1968.]

WHEREAS, California's population is placing unprecedented demands upon the publicly owned wildlands of this state for wildlife-associated recreation; and

WHEREAS, Efforts to increase wildlife on such lands can succeed with the support of adequate wildlife habitat research; and

WHEREAS, The United States Forest Service, at its Pacific Southwest Forest and Range Experiment Station, is researching problems confronting California, including control burning; and

WHEREAS, The current funding of wildlife investigations at the aforementioned station is inadequate to meet the national interest in the public lands of this state; and

WHEREAS, There is need, furthermore, that wildlife habitat research, including the control burning program, and findings emanating from the various state agencies within the several western states be made available; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to increase the funds available to the United States Forest Service for the enhancement of wildlife habitat and control burning research by the Pacific Southwest Forest and Range Experiment Station, and for the establishment in the western United States of a Wildlife Habitat Information Coordinator to assist in the above described functions; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Chief of the United States Forest Service, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 204

Assembly Joint Resolution No. 28—Relative to the Salton Sea Advisory Committee.

[Filed with Secretary of State July 26, 1968]

WHEREAS, The primary use of the Salton Sea area is for collection of agricultural drainage, seepage, leaching and control waters; and

WHEREAS, Other uses of the Salton Sea include recreation and fish and wildlife development, enhancement, and preservation; and

WHEREAS, A federal-state reconnaissance level study of Salton Sea water quality problems has recently been initiated under the joint leadership of the United States Department of the Interior and the Resources Agency of California; and

WHEREAS, It is appropriate that the committees conducting such study obtain the views of the interested local governmental agencies and interested citizens; and

WHEREAS, The Legislature of the State of California by the enactment of Assembly Bill 461 of the 1968 Regular Session has created the Salton Sea Advisory Committee consisting of the representatives of certain local agencies in the area of the Salton Sea and other interested citizens, and

WHEREAS, The California Legislature has directed the State Resources Agency to keep the Salton Sea Advisory Committee fully informed on all matters pertaining to the Salton Sea and to consult with and seek the advice of such committee with respect to all such matters; and

WHEREAS, It is desirable that federal agencies participating in studies relating to the Salton Sea should confer with and advise the Salton Sea Advisory Committee with respect to matters relating to the Salton Sea; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress to take such action as may be necessary to direct federal agencies conducting or participating in studies pertaining to the Salton Sea to confer with and advise the Salton Sea Advisory Committee, as created by Assembly Bill 461 of the 1968 Regular Session of the California Legislature, with respect to all matters pertaining to such studies; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 205

Senate Concurrent Resolution No. 61—Relative to workshop programs.

[Filed with Secretary of State July 26, 1968.]

WHEREAS, There are many recipients of aid to the disabled who will unlikely be able to find jobs in the competitive labor market who could benefit from paid employment in workshops; and

WHEREAS, The present program has demonstrated significant benefits for a restricted number of mentally retarded recipients of aid to the disabled; and

WHEREAS, It is apparent that the present maximum of 200 recipients served does not begin to meet the need; and

WHEREAS, There are 3,000 mentally retarded in workshops and 4,000 severely handicapped who can likewise benefit from paid employment in workshops; and

WHEREAS, Workshops receive many requests from social agencies, local community citizens, including recipients to ex-

pand services to include other categories of disabilities, which under the present program, would not be fundable; and

WHEREAS, This program, if extended, will provide productive activities to these Aid to Totally Disabled recipients, thus preventing tax consuming hospitalization, institutionalization and delinquency within California; and

WHEREAS, Some of these Aid to Totally Disabled recipients through opportunity and exposure to a sheltered work activity may generate sufficient skill for transfer to a more sophisticated work evaluation/adjustment workshop program and eventual competitive employment; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Rehabilitation is requested to develop a plan to broaden the present Mentally Retarded-Aid to the Totally Disabled or Work Training Center programs to include all disabled persons on Aid to Totally Disabled rolls; and be it further

Resolved, That the Department of Rehabilitation shall make a report on the expansion of these programs to the Legislature no later than the 30th calendar day of the 1970 Regular Session; and be it further

Resolved, That the Department of Rehabilitation is requested to use any federal funds which may be available to it in the preparation of the report to the Legislature; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Department of Finance and the Department of Rehabilitation

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RESOLUTION CHAPTER 206

Senate Concurrent Resolution No. 78—Relative to preregistration of blind and other severely visually impaired students attending California State Colleges and the University of California.

[Filed with Secretary of State July 26, 1968.]

WHEREAS, There are an appreciable number of blind and other severely visually impaired students in attendance at the California State Colleges and at the University of California; and

WHEREAS, These blind and other severely visually impaired students must have their study materials tape recorded or transcribed into Braille, a process which requires many weeks to accomplish; and

WHEREAS, Preregistration of these students would enable them to receive study materials required in their planned courses of study well in advance and would thus facilitate their making timely arrangements for having such material tape recorded or transcribed into Braille; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request that the Trustees of the California State Colleges and the Regents of the University of California provide, if possible, for the preregistration of blind and other severely visually impaired students during the quarter or semester preceding the registration quarter or semester for the purpose of making available to such students in advance lists of textbooks and other auxiliary reading materials in order that these students may have ample time to arrange for such materials to be tape recorded or transcribed into Braille, and to file a report of action taken thereon with the Legislature by the fifth legislative day of the 1969 Regular Session; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Trustees of the California State Colleges and to the Regents of the University of California.

RESOLUTION CHAPTER 207

Senate Concurrent Resolution No. 88—Relative to the pending decertification of nursing homes from participation in the Medi-Cal program.

[Filed with Secretary of State July 26, 1968.]

WHEREAS, Over one hundred licensed nursing and convalescent homes in California were advised by the Office of Health Care Services on March 18, 1968 that they would be decertified as of April 1, 1968, and thereby no longer eligible to receive and care for Medi-Cal patients; and

WHEREAS, The stated justification for this action was that these homes had not demonstrated reasonable expectation of meeting the revised federal definition of a skilled nursing home under Title XIX of the Social Security Act by January 1, 1969; and

WHEREAS, The basis for such judgment was a projection of the estimated income of these facilities as against increased costs of operation to comply with the higher federal standards of care beginning in 1969; and

WHEREAS, These homes were required to submit projections assuming 100 percent total occupancy by Medi-Cal patients, ignoring additional and substantial income from private patients typically occupying a portion of nursing home beds, and thereby presenting a less favorable expectation of compliance; and

WHEREAS, In response to protests of precipitate action, the Office of Health Care Services on March 22, 1968 extended decertification until June 30, 1968, the previously established federal deadline for such action by the states; and

WHEREAS, Despite this extension, the Office of Health Care Services advised the affected facilities they could not receive

new Medi-Cal patients, and could retain their present caseloads only at the option of the various county welfare departments, thus fragmenting control of the program and aggravating the uncertainties for these homes during the same interim period in which they were permitted to request reconsideration; and

WHEREAS, No action has been taken by the state to plan implementation of the Intermediate Care Program created by the 1967 amendments to the Social Security Act, offering federal matching funds on the same basis as Medi-Cal for more appropriate and less costly care of many Title XIX patients in facilities of less than the higher skilled nursing home standards, such as the homes facing decertification; and

WHEREAS, Over three hundred additional nursing and convalescent homes in California classified as showing reasonable expectation of meeting 1969 standards are nevertheless only provisionally certified until October 31, 1968, and under notice their eligibility may be withdrawn on 30 days notice; and

WHEREAS, The unsettling and unprecedented effects of this decertification procedure appear inimical to the public interest in requiring a disruption in the lives of many thousands of infirm, chronically ill and aged patients, as well as threatening to force out of service a substantial number of facilities with corresponding shortages in long-term care beds resulting in greater patient costs to the state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Health and Welfare Agency direct the Office of Health Care Services to take all possible emergency action immediately to delay imposition of decertification as of July 1, 1968; and be it further

Resolved, That the Health and Welfare Agency or other appropriate representatives of the state petition the federal Department of Health, Education and Welfare to postpone its present decertification requirements and regulations without loss of Title XIX matching program funds to California and the other states, until the entire matter may be reviewed and resolved with more appropriate consideration of the vital national resource of long-term care health facilities.

RESOLUTION CHAPTER 208

Assembly Concurrent Resolution No. 44—Relative to directing the California Highway Patrol and the State Board of Education to the research conducted by the University of California at Los Angeles on schoolbus passenger protection.

[Filed with Secretary of State July 26, 1968.]

WHEREAS, It has come to the attention of the Legislature that significant research has been conducted by the Institute

of Transportation and Traffic Engineering, University of California at Los Angeles, on schoolbus passenger safety; and

WHEREAS, The institute published its report, School Bus Passenger Protection, after comprehensive experiments were held, in which a myriad of electronic instrumentation was used; and

WHEREAS, The safety of California schoolchildren dictates that any new and more recent findings, conclusions, and recommendations regarding schoolbus safety be incorporated into the present schoolbus standards of this state as quickly as it is feasible; and

WHEREAS, The Technical Committee on Pupil Transportation has made a comprehensive study of the institute's report and has submitted its recommendations to the State Board of Education relating to the report; and

WHEREAS, Certain of the recommendations of the institute have been put into effect through regulations of the board, but other recommendations have not been put into effect pending further study; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members direct the Department of the California Highway Patrol and State Board of Education to give their close attention to this report of the institute for the purpose of including in present standards those recommendations which are practical for immediate inclusion, and to plan for the inclusion of other recommendations into the standards at a later date, to insure the continued safety and welfare of the schoolchildren of California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Commissioner of the California Highway Patrol and the State Board of Education.

RESOLUTION CHAPTER 209

Assembly Concurrent Resolution No. 66—Relative to the sale of cigarettes to minors.

[Filed with Secretary of State July 26, 1968.]

WHEREAS, The young people of California are the principal future resource of this state; and

WHEREAS, Federal and state research indicates that cigarette smoking may be hazardous to one's health; and

WHEREAS, The State of California has laws generally prohibiting the sale of cigarettes to minors under the age of 18 years, which have not been strictly enforced; and

WHEREAS, The Director of the California State Department of Public Health has stated cigarette smoking has become a serious problem among minors due to the health implications

of starting to smoke earlier and hence longer; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is the intent of the Legislature that those laws prohibiting the sale of cigarettes to minors be strictly enforced; and be it further

Resolved, That the State Attorney General is hereby requested to report to the Legislature, not later than January 1, 1969, on present methods of enforcing those laws which prohibit the sale of cigarettes to minors and, among such recommendations that he may make, recommend more effective enforcement measures; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to all major associations of law enforcement officials, to the Judicial Council, and to the State Attorney General.

RESOLUTION CHAPTER 210

Assembly Joint Resolution No. 17—Relating to notification of states of use therein of federal education funds.

[Filed with Secretary of State July 29, 1968]

WHEREAS, The federal government, through various federal agencies, appropriates, allocates, or expends for and within each state federal funds for education and educational purposes, which purposes include all aspects of the education of minors, vocational education, adult education, teacher education, and any other program which would have a direct benefit or impact on the public schools of a state; and

WHEREAS, State planning and coordination of effort, in order to avoid duplication and replication, requires full knowledge of the federal involvement in education at all levels in the state; however, at present, there is no provision for the acquisition by the California Department of Education of the needed information; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide that all appropriate federal agencies notify the Department of Education of California of each appropriation, allocation, and expenditure of federal funds in the state for education or educational purposes; and be it further

Resolved, That the Department of Education of California is requested to transmit an annual report to the Legislature of each appropriation, allocation and expenditure of federal funds in the state for education or educational purposes; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Department of Education of California.

RESOLUTION CHAPTER 211

Assembly Joint Resolution No. 20—Relative to planning for flood control projects.

[Filed with Secretary of State July 29, 1968]

WHEREAS, The need for preserving streamside wildlife habitat and aesthetic beauty and the demand for related recreational facilities is increasing; and

WHEREAS, Federal and state agencies have participated for many years in the planning and construction of flood control projects and provided vital flood protection; and

WHEREAS, Such projects may have a profound impact on California's scenic and wildlife values; and

WHEREAS, The inclusion of benefits for wildlife, aesthetic, and recreational values in flood control projects, in addition to benefits for flood control, is important to California's future; and

WHEREAS, It is highly desirable that careful consideration be given to the inclusion of wildlife, aesthetic, and recreational benefits in such projects by federal, state and local interests; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California requests the U.S. Army Corps of Engineers, the California State Board of Reclamation and the State Department of Water Resources to consult jointly with the State Department of Fish and Game and the State Department of Parks and Recreation and with county and city governments early in the project formulation stage to insure that wildlife, recreation and park interests have an adequate opportunity to participate in determining whether such uses should be a part of the project and the extent to which these project purposes should be accommodated; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Governor, and to the Administrator of the State Resources Agency.

RESOLUTION CHAPTER 212

Assembly Concurrent Resolution No. 61—Relative to notification of Department of Education of local use of federal education funds.

[Filed with Secretary of State July 29, 1968.]

WHEREAS, The federal government, through various federal agencies, appropriates, allocates, or expends for and within each state federal funds for education and educational purposes, which purposes include all aspects of the education of minors, vocational education, adult education, teacher education, and any other program which would have a direct benefit or impact on the public schools of a state; and

WHEREAS, State planning and coordination of effort, in order to avoid duplication and replication, requires full knowledge of the federal involvement in education at all levels in the state; however, at present, there is no provision for the acquisition by the California Department of Education of the needed information; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Education is hereby requested to obtain from all appropriate local entities, state agencies, and private institutions including, but not limited to, local action groups or other organizations receiving funds under any federal antipoverty program, a notification of all applications for, and allocations and expenditures of, federal funds for education or educational purposes within their jurisdictions and such entities, groups, organizations, and institutions are hereby requested to so provide such information; and be it further

Resolved, That the Department of Education is hereby requested to transmit an annual report to the Legislature of all applications for, and allocations and expenditures of, federal funds for education or educational purposes within the state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Education.

RESOLUTION CHAPTER 213

Senate Concurrent Resolution No. 100—Relative to the passing of Hubert B. Scudder.

[Filed with Secretary of State July 30, 1968.]

WHEREAS, The members were saddened to learn of the recent passing of Hubert B. Scudder, former Member of the As-

sembly, Congressman, Real Estate Commissioner and Sebastopol Mayor; and

WHEREAS, Mr. Scudder, a native son of California, was born in Sebastopol in 1888 and educated in Sebastopol public schools; and

WHEREAS, A World War I veteran, Mr. Scudder first served as superintendent of public utilities in Sebastopol, then as Sebastopol's Fire Chief and after that as Councilman and Mayor; and

WHEREAS, He served in the State Legislature as an Assemblyman from 1925 until 1940, then he was named Vice Chairman of the Republican State Central Committee, serving as the committee's secretary in 1942 and from 1943 until 1948 he served on Governor Earl Warren's Council and held the key post of State Real Estate Commissioner; and

WHEREAS, In 1949 Mr. Scudder was elected to Congress to serve the First Congressional District, continued in that position until the end of his fifth term in 1958, and since had lived quietly in retirement at his Sebastopol home; and

WHEREAS, During his years in Congress Mr. Scudder fought hard to protect the interests of the counties he represented procuring for the Redwood Empire many of its public facilities on a practical financial basis; and

WHEREAS, At the same time he was instrumental in obtaining appropriations for public works in the national interest, and due to his efforts river and harbor development and flood control projects moved forward steadily and effectively and the Coyote Valley Dam, the key to all Russian River development, came into being; and

WHEREAS, In addition to this outstanding professional career, Mr. Scudder was closely identified with most of Sebastopol's service clubs, veteran groups and Masonic organizations and devoted much of his time to the Rotary Club; and

WHEREAS, During his long and distinguished public career, he achieved a well-deserved reputation for his superb ability, utmost fairness and unquestioned integrity; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members do hereby express their deep sorrow at the passing of Hubert B. Scudder, an outstanding son and servant of California, and extend their sincere condolences to his devoted and bereaved family; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to his widow, Helen Scudder.

RESOLUTION CHAPTER 214

Assembly Concurrent Resolution No. 87—Relative to State Highway Route 105.

[Filed with Secretary of State July 30, 1968.]

WHEREAS, State Highway Route 405, commonly known as the San Diego Freeway, is experiencing traffic congestion during commuting periods; and

WHEREAS, This congestion is particularly acute in the area between Route 7, the Long Beach Freeway, and Route 605, the San Gabriel River Freeway; and

WHEREAS, Because of the many local street connections required for traffic service, the design of this freeway includes collector distributor roads at frequent intervals; and

WHEREAS, Heavy volumes of through traffic have been observed using these collector distributor roads to bypass congestion on the freeway, and it is uncertain the effect such use of the collector roads may have upon overall congestion and traffic safety; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works is requested to study the problem of traffic congestion on the aforementioned section of Route 405 and to report to the Legislature its findings on or before December 1, 1968; and be it further

Resolved, That said study shall give particular attention to the effect of the use of collector roads by through traffic upon the congestion on the freeway; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 215

Assembly Concurrent Resolution No. 89—Relative to teacher preparation.

[Filed with Secretary of State July 30, 1968.]

WHEREAS, The adequate preparation of teachers is of vital importance; and

WHEREAS, Section 822 of Title 5 of the California Administrative Code requires that "To be accredited to recommend candidates for an elementary teaching credential, a teacher education institution shall require every candidate for the credential either to complete a program of courses which include preparation to teach all the subjects required by statute and by the regulations of the State Board of Education to be taught in the elementary schools or to demonstrate competency

in such subjects and shall offer the candidate opportunities within the institution for meeting this requirement"; and

WHEREAS, It is further required that "To be accredited to recommend candidates for a secondary teaching credential, a teacher education institution shall require every candidate for the credential either to complete a program of courses which include preparation to teach those subjects appropriate for the authorization of the credential sought which are required by statute and by the regulations of the State Board of Education to be taught in secondary schools or to demonstrate competency in such subjects and shall offer the candidate opportunities within the institution for meeting this requirement"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby request the State Board of Education, in cooperation with its accreditation committee, to provide the Legislature, no later than the fifth legislative day of the 1969 Regular Session, with assurances that the accreditation committee is, in fact, determining that the requirements of Section 822 of Title 5 of the California Administrative Code are being met, particularly in the matter of preparation for the teaching of health education; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Board of Education.

RESOLUTION CHAPTER 216

Assembly Concurrent Resolution No. 112—Relative to a study of self-insurance of automobiles.

[Filed with Secretary of State July 30, 1968.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislative Budget Committee is requested to direct the office of the Legislative Analyst to undertake a study of self-insurance for state-owned motor vehicles, including vehicles of the University of California, and to direct the Legislative Analyst to report the findings thereon to the Legislature not later than February 1, 1969; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Legislative Budget Committee.

RESOLUTION CHAPTER 217

Assembly Concurrent Resolution No. 135—Relative to California's cultural heritage.

[Filed with Secretary of State July 30, 1968.]

WHEREAS, California has a rich cultural heritage influenced by the cultures of the native California Indians, the Russian migration, the Spanish migration, the Mexican migration the Chinese and the Caucasian migration to California; and

WHEREAS, There has been preserved throughout the state within the state park system and by private interests examples of the various eras of California's history; and

WHEREAS, There are events in California's history that are of great significance, such as the Drake voyage of discovery, the establishment of the chain of Jesuit Spanish missions, the discovery of gold, and the gold rush; and

WHEREAS, There is a cultural need to interpret this history for the adults and children of the state in order that they will develop a sense of pride through an understanding of our cultural heritage and background; and

WHEREAS, The state will be celebrating its bicentennial in 1969; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request that the Department of Education and the Department of Parks and Recreation, and all local schools, secondary and elementary, as well as other public and private groups concerned with California's cultural heritage, give serious consideration to the development of a program of historical interpretation that will foster interest and understanding in the glorious cultural background of the State of California and create civic pride and consciousness that will build an awareness of California's rich cultural heritage, on the part of all as the citizens of this great state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Education and to the Director of Parks and Recreation.

RESOLUTION CHAPTER 218

Assembly Concurrent Resolution No. 136—Relative to a study of the control sections in the Budget Bill.

[Filed with Secretary of State July 30, 1968.]

WHEREAS, The general sections of the Budget Bill, or "control sections" as they are commonly referred to, contain some of the most important language in the Budget Bill because

they broadly govern the expenditure of most of the money appropriated by the Budget Bill; and

WHEREAS, The control sections are essentially unchanged from provisions which were established when the Legislature met in general session in each odd-numbered year; and

WHEREAS, The control sections now contain obsolete or ambiguous language or do not contain language which covers certain existing conditions while some sections have been amended until their present meaning is subject to controversy and uncertainty; and

WHEREAS, Broad delegations of authority to revise the Budget Act are provided to the executive branch by the control sections; and

WHEREAS, Some of the provisions of the control sections might properly be included in the Government Code; and

WHEREAS, Substantial sums of federal money are made available to state agencies after passage of the Budget Bill with the resultant need for improved procedures to relate these federal funds to approved budget programs; and

WHEREAS, The increased emphasis on program budgeting in the Legislature and the executive branch has created some problems with the control sections, and may engender more problems in the future, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Budget Committee is requested to review the control sections of the Budget Bill, to secure legal interpretations of the existing control sections, as required, to determine how the Department of Finance and the Controller and other responsible agencies of state government administer and interpret the control sections, and by the 40th legislative day of the 1969 Regular Session to recommend to the Rules Committee of each house any revisions in the control sections which it finds appropriate and desirable.

RESOLUTION CHAPTER 219

Senate Concurrent Resolution No. 69—Relative to utility trailer rentals.

[Filed with Secretary of State July 30, 1968.]

WHEREAS, Legislation was enacted at the 1967 session holding the person engaged in the rental of utility trailers responsible for compliance with the trailer laws; and

WHEREAS, Nationwide trailer concerns use contract forms showing only the address of the parent concern; and

WHEREAS, For enforcement purposes, a provision was included in Section 24010 of the Vehicle Code requiring the agreement to include the name and address of the person from whom the trailer was rented; and

WHEREAS, Interstate companies renting trailer equipment have standard forms indicating the local agent by code number, which is of no value to the police; and

WHEREAS, These companies have experienced difficulties in adapting their standard forms to comply with the law and require additional time to effect a change; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Legislature request the Highway Patrol and all city and county enforcement agencies to accept, until January 1, 1969, a separate document attached to the contract, showing name and address of the person from whom the trailer is rented, in lieu of the requirement that such information be included in the contract as provided in Section 24010 of the Vehicle Code; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Commissioner of the California Highway Patrol and to all city and county law enforcement agencies.

RESOLUTION CHAPTER 220

Senate Concurrent Resolution No. 89—Relative to licensing functions in the Health and Welfare Agency.

[Filed with Secretary of State July 30, 1968.]

WHEREAS, Numerous operational problems capable of administrative solution have resulted from existing licensing jurisdictions and the multiagency approach to facility licensing; and

WHEREAS, Specifically, overlapping licensing responsibilities make it necessary for certain types of facilities to be licensed by more than one department; and

WHEREAS, Distinctions between types of care must be made for licensing purposes, but are not compatible with current concepts of providing care and deter the development of comprehensive care programs; and

WHEREAS, There is an absence of uniform information about the licensing program for planning, research, and general purposes; and

WHEREAS, A staff with sufficient training and experience is needed to provide assistance to the owners and operators of the licensed facilities in both the program and business elements of their operations; and

WHEREAS, There is an absence of involvement of placement agencies in the development of standards which regulate the facilities which they use; and

WHEREAS, Greater variability occurs in the interpretations of regulations and in the method of approach to the licensing

program by delegating licensing functions to the counties; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Health and Welfare Agency, in cooperation with the departments concerned, is requested to simplify and consolidate licensing functions in order to achieve uniform regulations in those elements of licensure which are common to all facilities, uniform staffing formulas for budgeting licensing personnel for each department, and the development of a coordinated approach in setting rates to be paid by the state for purchase of similar types of care through the various programs, and to submit a preliminary report to the Legislature thereon no later than March 1, 1969, and to submit a final report to the Legislature thereon no later than October 1, 1969; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Administrator of the Health and Welfare Agency.

RESOLUTION CHAPTER 221

Assembly Concurrent Resolution No. 83—Relative to the Fairs Allocation and Classification Committee.

[Filed with Secretary of State July 30, 1968.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the sum of nineteen thousand dollars ($19,000) or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the Fairs Allocation and Classification Committee and its members and for any charges, expenses or claims it may incur, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 222

Assembly Concurrent Resolution No 106—Relative to the State Development Plan.

[Filed with Secretary of State July 30, 1968]

WHEREAS, In 1959 the Legislature established the State Office of Planning and directed it to prepare a State Development Plan aimed at coordinated physical development of the state; and

WHEREAS, Substantial resources have been devoted to the preparation of consultants' reports and other working docu-

ments, covering a broad range of demographic, environmental, economic, and social issues; and

WHEREAS, The State Development Plan has now been formulated and includes information and policy proposals which may be of great benefit to the Legislature; and

WHEREAS, The procedure for acceptance of the plan includes review and approval by the Governor and transmission to the President pro Tempore of the Senate and the Speaker of the Assembly; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby requests the Governor to make the State Development Plan available to the Legislature as soon as possible; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 223

Assembly Joint Resolution No. 8—Relative to tax-sharing programs.

[Filed with Secretary of State July 30, 1968]

WHEREAS, State and local government costs are rising faster than available revenues; and

WHEREAS, It has been estimated that the demand for new and improved services will outstrip available state and local revenue by 30 to 56 billion dollars by 1970; and

WHEREAS, Congress has before it many "tax-sharing" measures which would return funds to state and local governments; and

WHEREAS, Revenues coming to state and local governments as a result of any federal "tax-sharing" program should be designed to assist those respective units of government in solving the problems they face, because local problems are best understood by local officials confronted with them; and

WHEREAS, State and local units of government are generally able to solve their problems when they have jurisdiction and when they are financially able to do so; and

WHEREAS, State and local revenues should be adequate to fund a desired level of public service in each jurisdiction; and

WHEREAS, State and local governments should have maximum opportunity to exercise discretion in defining and achieving public service objectives; and

WHEREAS, The California Intergovernmental Council on Urban Growth which includes representatives of the state, cities, counties, and school districts has recommended that the Legislature of California actively seek adoption of federal programs for federal-state tax credits; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby endorses the need for federal tax-sharing programs and memorializes Congress and the President of the United States to take all reasonable action to assure that such a program is enacted into law; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 224

Assembly Concurrent Resolution No. 105—Relative to executive compensation in state service.

[Filed with Secretary of State July 31, 1968.]

WHEREAS, The Legislature has established the policy that like salaries shall be paid for comparable duties and responsibilities in state service, with consideration given to the prevailing rates for comparable service in other public employment and in private business, and

WHEREAS, The current differential in compensation of superior and subordinate state executives is grossly inadequate to recognize substantial differences in responsibility, to the point where the difference in monthly salary between the director and the chief deputy director of 14 state departments is less than $2, and

WHEREAS, The State Personnel Board reported to the Legislature in its Annual Report on State Salaries and Personnel Management, dated December 1, 1967, that the current compensation for state executives is substantially below that of executives with similar responsibilities in local government in California and in other state governments; and

WHEREAS, The Report on Management Manpower Requirements by the Commission on California State Government Organization and Economy, dated February 1965, recommended substantial changes in the approach to establishing and maintaining executive compensation in state government; and

WHEREAS, Accepted practice in private industry requires a systematic and equitable approach to executive compensation; and

WHEREAS, Authority to establish executive salaries in state government is divided among the Legislature, the Department of Finance, the State Personnel Board and other duly constituted salary-setting authorities; and

WHEREAS, Levels of compensation which adequately reflect differing levels of responsibility are a critical source of motiva-

tion and recognition for the creative leadership which is essential to effective state government; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests the Commission on California State Government Organization and Economy to review and evaluate the executive compensation system in state government and report its findings and recommendations to the Legislature within 30 days of the commencement of the 1969 Regular Session, and be it further

Resolved, That the California State Personnel Board and the Department of Finance are requested to direct their staffs to provide such technical assistance for the commission as is necessary; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Chairman of the Commission on California State Government Organization and Economy.

RESOLUTION CHAPTER 225

Assembly Concurrent Resolution No. 115—Relative to Assembly Concurrent Resolution No. 64 (Resolution Chapter 46) of the 1968 Regular Session of the Legislature

[Filed with Secretary of State July 31, 1968.]

WHEREAS, The Legislature by Assembly Concurrent Resolution No. 64 (Resolution Chapter 46) of this session urged the Governor to proclaim April 10 as Croatian Independence Day, which the Governor subsequently did; and

WHEREAS, The Legislature and the Governor were led to believe that the California community of persons of Croatian descent supported A.C.R. 64 at the time that it was considered by the Legislature; and

WHEREAS, Normal courtesies were extended to the author of A.C.R. 64 by which its consideration was expedited through the Legislature in the honest belief that nothing contained therein would arouse controversy or opposition; and

WHEREAS, Since the 10th of April, the Legislature has been informed that there exist controversial divisions of opinion within the California Croatian community; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature wish to advise those persons who object to the Proclamation of April 10 as Croatian Independence Day that any failure to provide them with the opportunity to oppose A.C.R. 64 was an error based on good faith and that such opportunity would have been duly accorded had the members been aware of the resolution's controversial nature; and be it further

Resolved, That the members now desire it to be known that the intent and purpose expressed in A.C.R. 64 be regarded by all as null and void; and be it further

Resolved, That a copy of this resolution be presented to the Governor.

RESOLUTION CHAPTER 226

Assembly Concurrent Resolution No. 130—Relative to undergrounding utility lines.

[Filed with Secretary of State July 31, 1968]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Housing and Community Development, in consultation with the Public Utilities Commission, the Department of Public Works, and the Resources Agency, is hereby requested to conduct a feasibility study of the costs which would be involved in relocating utility lines underground when overhead utility lines have to be moved due to highway construction of state scenic highways; and be it further

Resolved, That the Department of Housing and Community Development, in consultation with the Public Utilities Commission, the Department of Public Works, and the Resources Agency, shall report its findings and recommendations to the Legislature no later than the fifth legislative day of the 1970 Regular Session; and be it further

Resolved, That the Public Utilities Commission, the Department of Public Works, and the Resources Agency are requested to consult with, and cooperate with, the Department of Housing and Community Development for purposes of this resolution; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the Public Utilities Commission, the Department of Housing and Community Development, the Department of Public Works, and the Resources Agency.

RESOLUTION CHAPTER 227

Assembly Concurrent Resolution No. 167—Relative to memorializing Major General Robert F. Worley.

[Filed with Secretary of State July 31, 1968]

WHEREAS, The members were deeply saddened to learn of the tragic death on July 23, 1968, of Major General Robert F. Worley, Deputy Commander of the United States Seventh Air Force, who was directly in charge of Air Force bombing missions over North and South Vietnam; and

WHEREAS, Major General Worley was born October 12, 1919, in Riverside, California, and had resided with his wife, Bette, and their five children in Palm Desert for many years; and

WHEREAS, A fighter pilot hero of World War II who had flown 120 combat missions in the European and Pacific theaters, and had received the Silver Star and Distinguished Flying Cross, Major General Worley was flying on a photo reconnaissance mission over South Vietnam when his plane was shot down by Communist gunners; and

WHEREAS, He will be sorely missed by his friends and relatives, and there is no measure for the loss suffered by our state and the United States as a result of the death of Major General Worley; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their heartfelt sorrow at the passing of this heroic leader, Major General Robert F Worley, and extend their sincere sympathy to his widow, Bette, to his five children, Sue Ann, Dana Ellen, Gail Lynn, Vicki Lorraine, and Robert Morgan, to his father and mother, Mr. and Mrs Robert M. Worley, to his brother, Dr. Donald Worley, and to his sister, Mrs. Wanda McLeod; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Mrs Bette Worley, Sue Ann Worley, Dana Ellen Worley, Gail Lynn Worley, Vicki Lorraine Worley, Robert Morgan Worley, Mr. and Mrs. Robert M Worley, Dr Donald Worley, and Mrs. Wanda McLeod.

RESOLUTION CHAPTER 228

Senate Concurrent Resolution No. 67—Relative to public transportation in urban areas.

[Filed with Secretary of State August 1, 1968]

WHEREAS, Certain major urban areas within the state are searching for solutions to their public transportation problems; and

WHEREAS, Solutions to these problems will involve major expenditures by the people of this state for many years in the future; and

WHEREAS, The Legislature is asked at each session to provide assistance in the financing of urban public transportation; and

WHEREAS, The Legislature would be in a better position to evaluate such requests for assistance if detailed information were available on alternative modes and plans for public transportation systems in urban areas; and

WHEREAS, The only major detailed studies in California of public transportation systems for urban areas have been concerned primarily with fixed rail transit lines; and

WHEREAS, There is considerable evidence which would indicate that fixed rail transit lines may not be the most desirable means of providing rapid transportation in all urban areas of California because of the lack of flexibility in meeting changing population and transportation patterns inherent in such systems; and

WHEREAS, Comparable information should be developed on more flexible forms of public transportation capable of operating on conventional streets, freeways and separate rights-of-way, including double-decking of freeways; and

WHEREAS, This problem has significance to all levels of government, local, state and federal; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Transportation Agency is hereby directed to explore the possibility of and request the participation of the United States Bureau of Public Roads, or other appropriate federal agency, in a cooperative federal-state study on the feasibility, cost, and service of a flexible public transportation system operated on conventional streets, freeways, and separate rights-of-way, using as an example, one or more of the larger urban areas of this state; and be it further

Resolved, That the administrator is requested to contract with public and private agencies for such study, which study shall include findings and recommendations; and be it further

Resolved, That if state funds are required for this study they shall not be taken from the General Fund; and be it further

Resolved, That the administrator is directed to transmit to the Legislature a preliminary report not later than April 15, 1969, and a final report upon completion of the study; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Administrator of the Transportation Agency and to the Chief of the United States Bureau of Public Roads

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RESOLUTION CHAPTER 229

Senate Concurrent Resolution No. 99—Relative to memorializing Kent D. Pursel.

[Filed with Secretary of State August 1, 1968.]

WHEREAS, Kent D. Pursel, prominent Berkeley druggist and Alameda County Supervisor, died on August 15, 1967; and

WHEREAS, Mr. Pursel was a lifelong resident of Alameda County, attended Berkeley public schools and the University of California and played on the varsity basketball team while at the university; and

WHEREAS, He served at several levels of government, having been on the Berkeley City Council for approximately eight

years, a tax auditor for the State of California for 11 years, and a member of the Board of Supervisors of Alameda County for 16 years; and

WHEREAS, He was a prominent member of numerous civic and service organizations and among his most significant accomplishments were those achieved while a member of the Alameda County Highway Advisory Committee; and

WHEREAS, It is fitting that the outstanding contributions of Kent D Pursel to better government in Alameda County be given permanent recognition; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the portion of Interstate Highway Route 80 between the San Francisco-Oakland Bay Bridge and the Alameda-Contra Costa county line, known as the Eastshore Freeway, be officially dedicated to the memory of Kent D Pursel; and be it further

Resolved, That the Department of Public Works be directed to erect appropriate signs and markers, consistent with signing requirements for interstate highways, noting this official dedication, and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 230

Assembly Joint Resolution No. 21—Relative to the additional funds for the border inspection personnel.

[Filed with Secretary of State August 2, 1968.]

WHEREAS, The inspection staff at the Tijuana, Mexico, border entrance to California totals 33 persons, the same number of personnel as was employed in 1945, while the number of persons going through those portals has multiplied a hundredfold; and

WHEREAS, Officials report sizable increases in the amount of narcotics and other items being smuggled across the border; and

WHEREAS, During the first quarter of 1967, customs officials seized 16,133 pounds of drugs compared with 393 pounds during the same period in 1961, and seized 541,678 pills of the dangerous drug type during the first quarter of 1967 compared with 20,700 pills during the same period in 1961; and

WHEREAS, The entry port is being expanded in size and yet no plans are being made for an expansion in manpower; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to appropriate one million dollars ($1,000,-

000) in additional funds for the hiring of additional inspection personnel for the Tijuana border station; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 231

Assembly Concurrent Resolution No. 142—Relating to the study of land acquisition and disposal by different state agencies.

[Filed with Secretary of State August 2, 1968.]

WHEREAS, There are many laws relating to land acquisition and disposal as performed by different state agencies and in certain areas they produce overlapping responsibilities; and

WHEREAS, It would appear timely for the Legislature to look into such laws and examine the organizational structures and practices in the fields of land acquisition and disposal of the different state agencies; and

WHEREAS, The Legislature deems it desirable to bring about more uniformity of practice in and to investigate ways and means of improving the laws concerning land acquisition and disposal by the different state agencies; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Budget Committee take under immediate study the laws, policies, procedures, and organizational structures covering land acquisition and disposal as performed by the different state agencies to consider whether such laws, policies, procedures, and organizational structures relating to land acquisition and disposal need to be updated or restructured; and be it further

Resolved, That said committee report its findings and recommendations to the Legislature not later than the 30th legislative day of the 1969 Regular Session of the Legislature.

RESOLUTION CHAPTER 232

Assembly Concurrent Resolution No. 155—Relative to the American Revolution Bicentennial Commission of California.

[Filed with Secretary of State August 2, 1968.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the sum of two thousand dollars ($2,000) or so much thereof as may be necessary is hereby

made available from the Contingent Funds of the Assembly and Senate for the expenses of the Joint Interim Committee on the American Revolution Bicentennial and its members, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 233

Assembly Concurrent Resolution No. 117—Relative to the Ocean Beach Freeway.

[Filed with Secretary of State August 2, 1968.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That State Highway Route 109, from Sunset Cliffs Boulevard to Route 5 in San Diego, is hereby officially designated the Ocean Beach Freeway; and be it further

Resolved, That the Department of Public Works is hereby requested to erect and maintain appropriate signs on such portion of highway showing this official designation; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 234

Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 25.5 to Article XIII thereof, relating to local taxes.

[Filed with Secretary of State August 2, 1968.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1968 Regular Session commencing on the eighth day of January, 1968, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 25.5 to Article XIII thereof, to read:

SEC. 25.5. The Legislature may, by general law, authorize counties, cities and counties, and cities, or any of them, to enter into contracts to apportion between them the revenue derived from any sales or use tax imposed by a county, city and county, or city, which is collected for such county, city and county, or city by the state. Before any such contract becomes

operative, it shall be submitted at a general election or at a direct primary election to the qualified electors of each county city and county and city which is a party thereto and shall have received a majority of all the votes cast for and against it at such election in each such county, city and county and city which is a party to the contract. The agreement may provide that the recipient of any funds pursuant to a contract entered into under a legislative authorization pursuant to this section may use such funds for any purpose for which the recipient could expend its own revenues.

RESOLUTION CHAPTER 235

Assembly Concurrent Resolution No. 104—Relative to the Legislative Analyst.

[Filed with Secretary of State August 2, 1968.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislative Analyst or his representative shall meet with all principal state agencies financed by budget act appropriations prior to November 1 of each year to consider their policies and the program data which most accurately reflect the needs and performance of the agency in order that the fiscal requirements of the agency may be ascertained. Such meetings shall be coordinated so far as is practical and feasible with any meetings and hearings conducted jointly by representatives of the State Department of Finance and representatives of other state departments or agencies to consider their policies and supporting information related to departmental or agency budget requests; and be it further

Resolved, That the Department of Finance provide the Legislative Analyst with adequate notice of such meetings and hearings; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Finance and the Legislative Analyst.

RESOLUTION CHAPTER 236

Senate Joint Resolution No. 16—Relative to migratory waterfowl hunting regulations.

[Filed with Secretary of State August 2, 1968.]

WHEREAS, By virtue of its great length, California presents a wide range of natural conditions for migratory waterfowl; and

WHEREAS, Such conditions differ markedly between the northern and southern regions of the state, thereby requiring different waterfowl protection and utilization practices; and

WHEREAS, Waterfowl hunting regulations must by law conform to a framework prescribed by the Secretary of Interior; and

WHEREAS, The Secretary of Interior has recognized natural variations along the East Coast of the United States by prescribing 10 different regulatory frameworks, but no such recognition has been given to similar variations in California; and

WHEREAS, The California Fish and Game Commission, after due consideration, now proposes to request that the Secretary of Interior permit the commission to establish individual migratory waterfowl hunting regulations for the northern and southern regions of this state; now therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Secretary of Interior to permit the California Fish and Game Commission to establish individual migratory waterfowl hunting regulations for the northern and southern regions of this state, within the regulatory framework adopted by the secretary for the Pacific flyway region; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Secretary of Interior of the United States, to the Commissioner of Fish and Wildlife, and to the Director of the Bureau of Sport Fisheries and Wildlife of the United States Fish and Wildlife Service

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RESOLUTION CHAPTER 237

Assembly Concurrent Resolution No. 161—Relative to excess land adjacent to the Artesia Freeway

[Filed with Secretary of State August 2, 1968.]

WHEREAS, The City of Artesia is interested in acquiring a state-owned excess parcel of land adjacent to the Artesia Freeway, designated by the Division of Highways as Excess Parcel No. A-1394, consisting of some 8.35 acres of land, for development as a city park and recreation area; and

WHEREAS, The sale of the land would be of statewide interest since the land sold would, in addition to local park and recreation use, also benefit the traveling public as a rest area; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Highways is directed to sell to the City of Artesia the 8.35 acres of Excess Parcel No. A-1394 at a price equal to that for which it was acquired by the state, with the payment by the City of Artesia

to be over a 10-year period at a reasonable rate of interest, and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works, Division of Highways, and the California Highway Commission

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RESOLUTION CHAPTER 238

Assembly Concurrent Resolution No. 38—Relative to the creation of a Joint Legislative Committee on Economic Conversion.

[Filed with Secretary of State August 2, 1968.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, as follows:

1. The Joint Legislative Committee on Economic Conversion is hereby created, authorized and directed to ascertain, study and analyze all facts relating to ways in which this state's economy can adjust to the changing security needs of the country and prepare for a transition to a civilian economy when necessary. This is necessitated by the fact that for many years important segments of this state's economy have been dependent upon the military needs of the United States and that recently those needs have changed and as a consequence some areas in our state which have been dependent upon a particular military installation that has closed or upon certain government contracts that have not been renewed have suffered from unemployment and general business dislocation. In order to minimize the problems which result to local communities and to the state as a whole when converting from a military to a civilian economy it is necessary to prepare in advance. The committee shall prepare schedules of possible private and public investment patterns and the employment and income effects to be expected therefrom; convene conferences on economic conversion and growth; focus statewide attention on the problems of conversion and economic growth; and study all parts of the state's economy, including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

2. The committee shall consist of four Members of the Senate, appointed by the Committee on Rules thereof, and four Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during the sessions of the Legislature, including any recess, and after final ad-

journment until 60 days after the termination of the 1970 Regular Session of the Legislature.

4. The chairman shall be designated by the Speaker of the Assembly and the vice chairman shall be designated by the Rules Committee of the Senate.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

6. The committee has the following additional powers and duties:

(a) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(b) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(c) To appoint advisory committees to assist the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

7. The existence of the committee shall terminate 60 days after the termination of the 1970 Regular Session of the Legislature and the committee shall make full report of its findings and recommendations to the Legislature prior to that date.

8. The sum of forty thousand dollars ($40,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members, including any advisory committees and their members, and for any charges, expenses or claims it may incur under this resolution, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasury.

RESOLUTION CHAPTER 239

Assembly Joint Resolution No 18—Relative to national cemeteries.

[Filed with Secretary of State August 5, 1968]

WHEREAS, Assembly Joint Resolution No. 15 of the 1968 Regular Session, introduced by Assemblymen Ryan and Britschgi, requests the enactment of legislation requiring the Department of Defense to continue to provide memorial cemeteries for the interment of deceased veterans of the armed forces and for their eligible dependents and Assembly Joint Resolution No. 32, introduced by Assemblyman McGee, requests the establishment of a national cemetery accessible to southern California and Assembly Joint Resolution No 16, introduced by Assemblymen Mulford and Stacey, requests the establishment of several national cemeteries in the State of California; and

WHEREAS, The federal government owns large acreages of land in the Los Banos area, a central location easily accessible to all the West and an area of great natural beauty further enhanced by the San Luis Dam and Reservoir and the O'Neill Forebay; and

WHEREAS, The people and the Congress of the United States traditionally have provided for the proper care and burial of those who have served in the armed forces of our country; and

WHEREAS, Space available for such interment in national cemeteries is being rapidly exhausted; and

WHEREAS, At the present time the federal government maintains four cemetery systems under the administration of the Army, the American Battle Monument Commission, the Veterans Administration and the Department of the Interior; and

WHEREAS The restricted availability of space, the geographical distribution of such cemeteries, and the division of authority have caused the benefit to the veteran to be unequal in various areas of the country and will become more so as cemeteries are filled; and

WHEREAS, On March 18, 1968, the U.S Veterans Advisory Commission, appointed by President Lyndon B. Johnson and chairmaned by Robert M. McCurdy of Pasadena, California, submitted its report to the Administrator of Veterans Affairs, and

WHEREAS, As a part of this report, the commission made the following recommendations to improve the administration of cemeteries for the burial of veterans and to increase the burial allowance·

(1) That the entire federal cemetery function, with exception of the Department of Interior cemeteries, be reassigned to the Veterans Administration;

(2) That, without delay the Administrator of Veterans Affairs conduct a study on methods of providing burial grounds for all veterans convenient to their homes,

(3) That the administrator establish uniform criteria for eligibility for burial in the federal cemetery system;

(4) That Arlington National Cemetery be reopened to all eligible veterans until it is completely filled;

(5) That the burial allowance for veterans be increased to $400, $100 of which shall be reserved for payment toward a gravesite for those not buried in national cemeteries;

(6) That the burial allowance not be denied to any veteran because of the existence of any other burial or death benefit, public or private; now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to establish an additional national cemetery or cemeteries in California and to implement the recommendations of the U.S. Veterans Advisory Commission pertinent to the burial of veterans; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 240

Assembly Concurrent Resolution No. 43—Relative to a study on an addition to the state highway system.

[Filed with Secretary of State August 5, 1968.]

WHEREAS, The Department of Public Works has completed the construction of that portion of Route 101 which bypasses the community of Garberville; and

WHEREAS, Under normal procedures, the California Highway Commission would now proceed to relinquish the roadway which was formerly Route 101 passing through the community of Garberville; and

WHEREAS, This highway through Garberville carries a high volume of traffic and is of major importance to that community and the County of Humboldt and might well constitute a proper part of the state highway system; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works is requested to include in its studies pursuant to Section 256 of the Streets and Highways Code the desirability of retaining in the state highway system the portion of former Route 101 which passes through and adjacent to Garberville from Route 101 freeway south of Garberville to Route 101

freeway near Dean Creek, and to include recommendations thereon in the report to be submitted to the 1969 Regular Session; and be it further

Resolved, That the Department of Public Works and the California Highway Commission are requested to withhold the relinquishment of this portion of former Route 101 until 61 days after the final adjournment of the 1969 Regular Session of the Legislature in order to give the Legislature proper time to study and act upon the report; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Public Works and to the Chairman of the California Highway Commission.

RESOLUTION CHAPTER 241

Assembly Concurrent Resolution No. 72—Relative to making additional funds available to the Legislative Audit Committee.

[Filed with Secretary of State August 5, 1968.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available to it, the sum of five hundred thousand dollars ($500,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and Senate for the payment of any and all expenses of the Joint Legislative Audit Committee (created by Section 10501 of the Government Code) and its members and for any charges, expenses, or claims it may incur, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 242

Senate Concurrent Resolution No. 91—Relative to the Joint Committee on Legislative Building Space Needs.

[Filed with Secretary of State August 5, 1968.]

WHEREAS, The Legislature, and the agencies assisting it, are in critical need of additional building space in Sacramento for offices, committee rooms, storage, parking and related functions; and

WHEREAS, The need for such legislative building space becomes more critical each year; and

WHEREAS, Unless additional building space is provided for the Legislature and the agencies assisting it, the legislative process will be seriously curtailed; and

WHEREAS, It is essential that an immediate study be made of the critical needs for such additional legislative building space; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Committee on Legislative Building Space Needs is hereby created and authorized and directed to make a study of the needs of the Legislature and of the agencies assisting the Legislature for building space in Sacramento for offices, committee rooms, storage, parking and related functions, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of three Members of the Senate appointed by the Committee on Rules thereof, and three Members of the Assembly appointed by Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1969 Regular Session, with authority to file its final report not later than the fifth legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The Members of the Senate appointed to the committee shall constitute a subcommittee of the committee on the subject of this resolution as it affects the needs of the Senate. The Members of the Assembly appointed to the committee shall constitute a subcommittee of the committee on the subject of this resolution as it affects the needs of the Assembly. Each such subcommittee and its chairman shall have all of the powers of the committee and its chairman.

7. The sum of seventy-five thousand dollars ($75,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 243

Senate Concurrent Resolution No. 103—Relative to American Indian Day.

[Filed with Secretary of State August 5, 1968.]

WHEREAS, Indians of America have contributed significantly to history and our present-day culture; and

WHEREAS, A day to honor Indians was at one time declared American Indian Day in California, and such a declaration should be made annually; and

WHEREAS, The Indian people in California are most anxious to have established a permanent American Indian Day; and

WHEREAS, Many states take the opportunity to honor American Indians by designating a specific day for this purpose; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the fourth Friday of each September be declared American Indian Day; and be it further

Resolved, That appropriate programs be encouraged on the fourth Friday of September, for the purpose of informing all citizens of the valuable historical and cultural contributions, past and present, of American Indians.

RESOLUTION CHAPTER 244

Assembly Joint Resolution No. 34—Relative to meat prices.

[Filed with Secretary of State August 6, 1968.]

WHEREAS, The Interstate Commerce Commission has reduced rates on dressed beef, but has not reduced the rates on feed grains and other feed products; and

WHEREAS, Out-of-state meat processors have been able to ship dressed beef into California at prices with which California meat producers, because of freight rates on feed grains and feed products, could not compete, thereby forcing many California firms to move out of state; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Interstate Commerce Commission to take cognizance of the effect upon California meat producers of lowered dressed meat rates, and to reduce, proportionately, the rates on feed grains and other feed products; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Interstate Commerce Commission

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RESOLUTION CHAPTER 245

Assembly Joint Resolution No. 45—Relative to the chronically unemployed.

[Filed with Secretary of State August 6, 1968.]

WHEREAS, The California Legislature has developed an imaginative program with bipartisan support to train and place the chronically unemployed into meaningful jobs; and

WHEREAS, Representatives of the United States Department of Labor have threatened use of discretionary power by the Secretary of Labor which could result in a possible loss of federal funds if California enacts this program because of possible nonconformity of California statutes with federal law; and

WHEREAS, This program, consisting of Assembly Bills 1463, 109, 1777, 210, 1046, 1966 and 1464 of the 1968 Regular Session of the Legislature, represents an effort by the state to pool available federal and state resources and concentrate them on providing a unified unbroken sequence of services to the chronically unemployed to place them in productive employment; and

WHEREAS, Implementation of this program requires cooperation from various agencies and officials of the federal government, including the Secretary of Labor and the Secretary of Health, Education, and Welfare, as well as other federal officials; and

WHEREAS, Every effort has been made by legislative leaders in California to cooperate with federal officials in developing this imaginative program; and

WHEREAS, The President of the United States has publicly supported the concept of creative federalism which rests upon federal support of efforts by states to innovate and create bold new programs to solve major problems facing the state and the nation; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to direct the Secretary of Labor, the Secretary of Health, Education, and Welfare, and other federal agencies to make every effort to cooperate with the State of California in interpreting current federal statutes to authorize this state to carry out the program envisioned by Assembly Bills 1463, 109, 1777, 210, 1046, 1966, and 1464 of the 1968 Regular Session of the Legislature; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support amendments to the Manpower Development and Training Act this session and to authorize a new title to that act which would provide federal matching funds to states for job training, placement, and related services in a flexible manner which would provide necessary federal support to carry out the comprehensive program envisioned by legislation now before the California Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 246

Assembly Concurrent Resolution No. 91—Relative to school ground development legislation.

[Filed with Secretary of State August 6, 1968.]

WHEREAS, It has been shown that there is vast acreage in the urban areas which has been designated for the development of school grounds; and

WHEREAS, Such acreage is of vital importance as it represents a major part of the state's open space for community recreation and enjoyment by the people of the state; and

WHEREAS, The land set aside represents a major investment of state funds and for such land to be fully utilized and enjoyed it must be designed in an efficient and pleasing way; and

WHEREAS, The outdoor environment of our school grounds has a profound effect on the mental and physical well-being of our children, as much as the indoor environment of our school buildings; and

WHEREAS, Such land has been designated for joint use in local recreation programs and large areas of school grounds purchased with state and local funds are underdeveloped and are being wastefully misused; and

WHEREAS, A lack of public policy regarding the adequate development and use and enjoyment of such publicly owned lands has resulted in a lack of funding which is necessary to make such lands useful to the people of the state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Department of Education is directed to study the feasibility of the following: the development of public school properties for the use and enjoyment of the citizens of the state, with such use and development to be established as public policy; that this policy be implemented by requesting that state and local allocations of funds for school construction include adequate amounts for site development, including irrigation and planting; and that planning for such site development be performed concurrently with the planning of school building construction and that adequate funds for such planning be allocated in the school construction budget; and be it further

Resolved, That the State Department of Education shall report to the Legislature, on or before the 30th legislative date of the 1969 Regular Session, on such study, and shall include in its report its recommendations concerning any necessary legislation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Department of Education.

RESOLUTION CHAPTER 247

Senate Concurrent Resolution No. 21—Relative to ex officio members of the Constitution Revision Commission.

[Filed with Secretary of State August 7, 1968.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Chairman of the Joint Committee on Legislative Organization shall appoint 14 Members of the Legislature as ex officio members of the Constitution Revision Commission, who shall not necessarily be the members of the Joint Committee on Legislative Organization.

RESOLUTION CHAPTER 248

Senate Concurrent Resolution No. 51—Relative to a study on additions to the state highway system.

[Filed with Secretary of State August 7, 1968.]

WHEREAS, Certain county roads in Modoc and Lassen Counties may constitute desirable additions to the state highway system; and

WHEREAS, The Department of Public Works regularly prepares a report pursuant to Section 256 of the Streets and Highways Code relating to the desirability of adding and deleting routes to the state highway system; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works is requested to include in its studies pursuant to Section 256 of the Streets and Highways Code the desirability of adding to the state highway system a state highway route from Route 299 near Bieber northerly to Route 139 via Lookout, and a state highway route from the Nevada state line (at Nevada State Highway 81) northwesterly to Route 299 near Cedarville via Eagleville, and to include recommendations thereon in the report to be submitted to the 1969 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works

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RESOLUTION CHAPTER 249

Senate Concurrent Resolution No. 63—Relative to making additional funds available to the Legislative Budget Committee.

[Filed with Secretary of State August 7, 1968.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of nine hundred thousand dollars ($900,000) or so much thereof as may be necessary is hereby allocated from the Contingent Funds of the Assembly and Senate for the payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under the authority of the provisions of Joint Rule No. 37.

RESOLUTION CHAPTER 250

Senate Concurrent Resolution No. 64—Relative to a study on additions to the state highway system.

[Filed with Secretary of State August 7, 1968.]

WHEREAS, The Brunswick-Town Talk Road in Nevada County connects various state highways and may constitute a desirable addition to the state highway system; and

WHEREAS, The Department of Public Works regularly prepares a report pursuant to Section 256 of the Streets and Highways Code relating to the desirability of adding and deleting routes to the state highway system; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works is requested to include in its studies pursuant to Section 256 of the Streets and Highways Code the desirability of adding to the state highway system a state highway route in Nevada County from State Highway Route 174 to Route 20, with its recommendations thereon to be included in the report to be submitted to the 1969 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 251

Senate Concurrent Resolution No. 65—Relative to the creation of the Joint Committee on Assessment Practices.

[Filed with Secretary of State August 7, 1968.]

WHEREAS, The ad valorem property tax is now, and will remain, the fiscal base of local government in California, so that the proper functioning of all units of local government depends upon the sound and equitable functioning of the ad valorem property tax; and

WHEREAS, Equity in property taxation requires that all taxable property be subject to assessment at the same percentage of market value; and

WHEREAS, The proper distribution of state funds to school districts and to other recipients of state aid depends upon an equalization of assessments made for purposes of taxation; and

WHEREAS, Section 14 of Article XIII of the California Constitution requires that all property assessed by the State Board of Equalization "shall be subject to taxation to the same extent and in the same manner as other property"; and

WHEREAS, A question has arisen as to whether state-assessed property is now assessed by the State Board of Equalization to the same extent and in the same manner as locally assessed

property is being assessed by county assessors, and whether the equity requirements of the California property tax structure are now being fulfilled; and

WHEREAS, Questions have arisen as to whether state-assessed property is, by nature, economically different from some locally assessed property, and as to whether some types of locally assessed properties, such as large industries and commercial establishments, are, by nature, economically different from some other types of locally assessed properties, such as farm properties, in such a way as to make it impossible to determine the market value of the several classes of property on the same basis; and

WHEREAS, It is of vital importance to all units of government and all taxpayers in California that these questions be resolved at the earliest possible date; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Interim Committee on Assessment Practices is hereby created and authorized and directed to ascertain, study and analyze all facts relating to or in any way bearing upon the assessment practices of local assessors and the State Board of Equalization and the appraisal practices of the State Board of Equalization with respect to locally assessed property which are designed to facilitate those equalization functions of the board which it is constitutionally required to perform; including but not limited to the following matters: whether state-assessed property is being assessed by the State Board of Equalization to the same extent and in the same manner as locally assessed property is being assessed by county assessors, whether the equity requirements of the California property tax structure are now being fulfilled; whether state-assessed property is, by nature, economically different from some locally assessed property, and whether some types of locally assessed properties are, by nature, economically different from some other types of locally assessed properties, so as to make it impossible to determine the market value of the several classes of property on the same basis; and including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate, appointed by the Committee on Rules thereof, and five Members of the Assembly, appointed by the Speaker thereof from the membership of the Assembly Committee on Revenue and Taxation. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1970 Regular Session,

with authority to file its final report not later than the 10th legislative day of that session.

4. The committee and each subcommittee thereof is authorized to leave the State of California in the performance of its duties.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with nongovernmental agencies or with individuals not employed by a governmental agency for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created. "Governmental agency" does not include any department, school, institute, bureau, or any other agency of any university or other institution of higher education.

(c) To cooperate with and secure the cooperation of county, city and county; and other local law enforcement agencies, and civic and private organizations, in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than the 10th legislative day of the 1970 Regular Session.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and to accomplish the objects and purposes of this resolution.

7. The sum of thirty-five thousand dollars ($35,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 252

Senate Concurrent Resolution No. 84—Relative to special education programs for physically handicapped and mentally retarded minors.

[Filed with Secretary of State August 7, 1968.]

WHEREAS, It is the intent of the Legislature that special education programs shall be provided for the education of physically handicapped and mentally retarded minors; and

WHEREAS, The Legislature has specified the conditions under which it shall be the responsibility of a school district and a county superintendent of schools to provide special education programs for such minors; and

WHEREAS, The Legislature has authorized special apportionments from the State School Fund to aid school districts and county superintendents of schools to meet the additional costs entailed in providing such special education programs; and

WHEREAS, The Legislature has extended school housing aid for exceptional children to qualified school districts and county superintendents of schools to assist them in providing classrooms needed in establishing and maintaining such special education programs; and

WHEREAS, The Legislature, recognizing the need for teachers and others to have specialized preparation essential to serving in such special education programs, has encouraged California colleges and universities in establishing programs offering professional preparation in such fields of special education and approved budget provisions in support thereof; and

WHEREAS, The Legislature, recognizing the need to assist persons with the costs of securing specialized preparation to complete their training to teach in such special education programs, has provided specialized summer training grants for teachers wanting to teach in the fields of the physically handicapped and the mentally retarded; and

WHEREAS, The Legislature is increasingly being made aware of the fact that many physically handicapped and mentally retarded minors in California are still without the benefits of special education program provisions in spite of the foregoing efforts of the Legislature to assure them of such opportunity; and

WHEREAS, The Legislature is currently being urged to enact legislation, involving a concept in which the Superintendent of Public Instruction would be required to withhold a specified amount from the apportionment to a school district or county superintendent of schools not providing special education programs for all physically handicapped and mentally retarded minors as needed, that would effectively induce school

districts and county superintendents to so provide such special education programs as now required by law; and

WHEREAS, The Legislature, in considering possible legislation designed to assure special education programs for all physically handicapped and mentally retarded minors in need of them, desires to have the recommendations of the Department of Education, after consultation and study involving individuals and officials concerned with the education of exceptional children in California, as to how such schooling can be effectively assured such minors with the least disruption to the total education program of a school district or county superintendent of schools; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Department of Education is hereby directed to recommend legislation, after consultation and study involving representative individuals, organizations, and school officials concerned with the education of exceptional children in California, to the Legislature deemed necessary for assuring that a school district or county superintendent of schools, having responsibility under law to provide special education programs for physically handicapped and mentally retarded minors, provides such programs for all such minors living in the area for which under law it or he is responsible, and to transmit such recommendation to the Legislature during the 1969 Regular Session; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Department of Education and the State Board of Education.

RESOLUTION CHAPTER 253

Senate Concurrent Resolution No. 98—Relative to the creation of the Joint Committee on Social Welfare Research.

[Filed with Secretary of State August 7, 1968.]

WHEREAS, The matter of social welfare programs and policies are of vital concern to the people of California; and

WHEREAS, Both houses of the Legislature of the State of California are, with increasing frequency, engaging in investigations and deliberations with the purpose of improving the social welfare programs and policies of the state; and

WHEREAS, Various agencies and units of the executive branch of the state government are likewise engaged in similar investigative research in the field of social welfare; and

WHEREAS, The value of such research efforts can be enhanced and unnecessary duplications and overlaps of effort can be reduced by proper coordination; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Committee on Social Welfare Research is hereby created and authorized and directed to ascertain, study, analyze, and coordinate legislative studies on the subject of social welfare policies and procedures, and shall cooperate with the State Department of Social Welfare and other executive agencies engaged in studies of social welfare in the coordination of, and exchange of information derived from, such legislative and executive departmental research, including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

2. The committee shall consist of three Members of the Senate, appointed by the Committee on Rules thereof, and three Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment with authority to file its final report not later than the 30th calendar day of the 1969 Regular Session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature, to the appropriate policy committees of the Legislature, and to the people from time to time and at any time.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

RESOLUTION CHAPTER 254

Senate Concurrent Resolution No. 104—Relative to designation of a "Border Friendship Route."

[Filed with Secretary of State August 7, 1968.]

WHEREAS, The United States-Mexico Commission for Border Development and Friendship is working to improve the quality of the environment for people living along both sides of the border; and

WHEREAS, One of the important objectives in this long-range goal is to seek designation of a series of existing roads on the United States side of the border from Brownsville to San Diego—and similar roads from coast to coast in Mexico—as a "Border Friendship Route"; and

WHEREAS, Every effort should be made by the State of California to encourage this worthwhile undertaking; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That State Highway Route 8 from San Diego to Yuma via El Centro is hereby designated a portion of the Border Friendship Route; and be it further

Resolved, That the Department of Public Works is requested to place or assist in the placing of appropriate signs, in conformity with federal and state criteria therefor, along State Highway Route 8 from San Diego to Yuma via El Centro, designating said route as the "Border Friendship Route"; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to Ambassador Raymond Telles, Chairman, United States-Mexico Commission for Border Development and Friendship and to the Director of the Department of Public Works.

RESOLUTION CHAPTER 255

Senate Concurrent Resolution No. 108—Relative to a review of the operations of the Office of State Printing.

[Filed with Secretary of State August 7, 1968.]

WHEREAS, There is in the State of California an Office of State Printing responsible for all state government printing; and

WHEREAS, The Legislature of the State of California is called upon annually to appropriate funds for the operation of the Office of State Printing including requests for additional equipment to expand capacity and to maintain an efficient and economical operation; and

WHEREAS, Operating problems continuously arise, such as those relating to the production and delivery of textbooks which

resulted in the failure to deliver certain textbooks in time for the opening of the public schools in September 1967; and

WHEREAS, Legislative printing is also a major workload of the Office of State Printing, yet the expeditious handling of legislative business is frequently and unnecessarily impaired by delays in receipt of such printing; and

WHEREAS, The cost of printing textbooks through contracts with private industry has not been fully explored, and the orderly processes of government demand that the Legislature have available an effective legislative printing service; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Legislative Budget Committee shall conduct an analysis of the operations of the Office of State Printing in cooperation with affected state agencies and including assistance from appropriate private sources able to supply technical or other information regarding the activities and operations of the Office of State Printing; and be it further

Resolved, That this study shall include a comparison of printing costs in the state printing plant with the costs of similar service through contract with private industry; and be it further

Resolved, That means of improving the legislative printing service be investigated, including potential automation in the Office of State Printing or the feasibility of the Legislature operating its own legislative printing service; and be it further

Resolved, That a report including recommendations shall be made not later than the 30th legislative day of the 1969 Regular Session.

RESOLUTION CHAPTER 256

Senate Joint Resolution No. 17—Relative to Soldiers and Sailors Civil Relief Act of 1940.

[Filed with Secretary of State August 7, 1968.]

WHEREAS, A recent ruling by the United States Court of Appeals in New York held that nonresident military personnel in the State of Connecticut are not required to pay sales and use taxes under the provisions of the Soldiers and Sailors Civil Relief Act of 1940 as amended; and

WHEREAS, The ruling jeopardizes the important sales tax programs in 44 other states which have laws similar to that of Connecticut, and

WHEREAS, The sales and use tax represents almost a third of the total revenue of the State of California, and is an important source of income to 44 other states; and

WHEREAS, In California, as the retailers must pay the tax to the state based on a proportion of their gross sales, the elimination of individual sales to servicemen would entail very

difficult accounting and auditing procedures for the retailer and the state; and

WHEREAS, While last year 360,000 military personnel reported paying sales tax to the State of California on their federal returns, the amount paid covered only a small part of the cost of the services they received; and

WHEREAS, If it is felt that the serviceman cannot afford, under current salary schedules, to pay the sales tax to the state, the federal government could provide for a refund to each serviceman to be deducted from his federal tax liability; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact amendments to the Soldiers and Sailors Civil Relief Act of 1940 as amended, relieving the several states of the onerous burden of exempting military personnel from the sales and use tax; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the Treasury, and to the Secretary of Defense.

RESOLUTION CHAPTER 257

Senate Concurrent Resolution No. 4—Relative to amending the Joint Rules of the Senate and Assembly relating to the preparation of duplicate bills.

[Filed with Secretary of State August 12, 1968.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Rules of the Senate and Assembly be amended by the addition of Rule 34.3, to read:

34.3. Whenever it shall come to the attention of the Legislative Counsel that a member has requested the drafting of a bill which will be substantially identical to one already introduced he shall inform such member of that fact.

RESOLUTION CHAPTER 258

Assembly Concurrent Resolution No. 60—Relative to expenses of the Joint Legislative Committee on Open Space Lands.

[Filed with Secretary of State August 12, 1968.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money

heretofore made available, the sum of one hundred seventy-five thousand dollars ($175,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the Joint Committee on Open Space Lands, created by Assembly Concurrent Resolution No 26 (Resolution Chapter 87) of the 1967 Regular Session, and its members and for any charges, expenses, or claims it may incur under that resolution to be paid from such fund after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That, notwithstanding the provisions of Assembly Concurrent Resolution No. 26 (Resolution Chapter 87) of the 1967 Regular Session, the Joint Committee on Open Space Lands created thereby shall not cease to exist on the 30th calendar day of the 1969 Regular Session; and be it further

Resolved, That the committee shall make a preliminary report to the Legislature including such recommendations for legislation as the committee deems appropriate at that time no later than the 30th legislative day of the 1969 Regular Session and shall make a final report of its findings and recommendations no later than the 30th legislative day of the 1970 Regular Session.

RESOLUTION CHAPTER 259

Assembly Concurrent Resolution No. 118—Relative to the creation of the Joint Committee on Relocation of Governmental Bodies.

[Filed with Secretary of State August 12, 1968.]

WHEREAS, There are presently before the Legislature bills providing for the transfer to Sacramento, the state capital, of state governmental bodies not presently having their headquarters in Sacramento, including the Department of Insurance and its principal officers, Department of Industrial Relations, Public Utilities Commission, Savings and Loan Commissioner, Supreme Court, Superintendent of Banks, Director and Department of Public Health, and World Trade Authorities Coordinating Council; and

WHEREAS, There are numerous philosophical, practical and economic considerations relating to any such proposed movement of said governmental bodies; and

WHEREAS, It is recognized that certain ongoing functions of said bodies should be continued in specific areas outside Sacramento to best serve the general public and economic development of the State of California; and

WHEREAS, Information now available is limited as to alleged long-range savings to the State of California brought about by such a consolidation in Sacramento and the impact of such a

a consolidation on the best interests of the people of the State of California; and

WHEREAS, The subject matter is one which is recurring annually and warrants an intensive investigation as to its merits; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Committee on Relocation of Governmental Bodies is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the location of the headquarters of all state agencies and bodies in the state capital, Sacramento, including but not limited to the relocation of the governmental bodies listed above including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of three Members of the Senate and three Members of the Assembly. The members from the Senate shall be appointed by the Senate Committee on Rules, and the members from the Assembly shall be appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment, with authority to file its preliminary report not later than the fifth legislative day of the 1969 Regular Session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of two thousand dollars ($2,000) is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the Joint Committee on Relocation of Governmental Bodies, and its members and for any charges, expenses, or claims it may incur under this resolution, to be paid from such fund after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 260

Assembly Concurrent Resolution No. 129—Relative to graduate schools of librarianship.

[Filed with Secretary of State August 12, 1968.]

WHEREAS, There is a shortage of available credentialed librarians and other technical personnel to fill present school library positions in California; and

WHEREAS, State and federal assistance in school library development demands qualified school library personnel; and

WHEREAS, Under the Donahoe Higher Education Act of 1960 and the Master Plan for California Higher Education, the Coordinating Council for Higher Education is responsible for the development of plans for the orderly growth of higher education in the state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Coordinating Council for Higher Education, with the cooperation of the Trustees of the California State Colleges, the Regents of the University of California, the Board of Governors of the California Community Colleges, and the private institutions of higher education in the state, is directed to study the need for additional programs and facilities at all levels for the training of credentialed and technical, or paraprofessional, personnel for service in all branches of the field of library services in California, and to report its findings and recommendations not later than the fifth legislative day of the 1970 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of the Coordinating Council for Higher Education.

RESOLUTION CHAPTER 261

Assembly Concurrent Resolution No. 153—Relative to special compensatory education for children who are unable to speak and write English effectively.

[Filed with Secretary of State August 12, 1968.]

WHEREAS, There exists a need in the State of California to conduct special programs in compensatory education for children who are unable to speak and write English effectively because a language other than English is spoken in their homes, children who later are apt to become school dropouts and nonproductive members of society; and

WHEREAS, A pilot program was begun under the auspices of the State of California in 1965 to demonstrate the need and effectiveness for special education services to help this kind of child to compete in the classroom with his peers; and

WHEREAS, Pilot programs are designed to produce data for the evaluation of the effectiveness of programs in meeting specific problems and do not measure the magnitude of the population to be served; and

WHEREAS, The Office of Compensatory Education in the Department of Education has direct experience with the funding, coordination, and evaluation of special educational programs for the disadvantaged child; and

WHEREAS, Not all children who are unable to read and write English effectively are eligible for federally funded assistance under the Elementary and Secondary Education Act, so a void in coverage is apparent in certain situations; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California directs the Department of Education to (a) make a survey of the magnitude of the statewide problem of children who are unable to speak and write English effectively, including, but not limited to, an estimated three-year projection of the number of children potentially involved by grade and language groups and recommendations for program solutions, (b) make a comparative evaluation of the effectiveness of each project designed to teach English as a second language that is funded through the Division of Instruction and the Office of Compensatory Education in the Department of Education, including the per-pupil cost of each project, and (c) examine the feasibility and advisability of administering all such projects in the same operating division of the Department of Education, regardless of the source of funding; and be it further

Resolved, That the Department of Education shall submit a comprehensive report on all its findings on the subject matter of this resolution to the Assembly Education Committee, the Senate Education Committee, the Senate Finance Committee,

the Assembly Ways and Means Committee, and the Joint Legislative Budget Committee not later than the 30th legislative day of the 1969 Regular Session of the Legislature.

RESOLUTION CHAPTER 262

Assembly Concurrent Resolution No. 154—Relative to creating a Joint Committee on Atomic Development and Space.

[Filed with Secretary of State August 12, 1968.]

WHEREAS, The State of California is currently number one in population and economic growth rate; and

WHEREAS, Its superior educational facilities support an increasingly sophisticated industrial potential; and

WHEREAS, The spin-off from defense application in the fields of atomic energy and aerospace continues to develop new products and services for the benefit of society; and

WHEREAS, There is a substantive beginning by the private sector expressed by efforts of major utilities as well as smaller independent industrials in this field that is in continuing need of encouragement and coordination; and

WHEREAS, Numerous previous policy committee studies have suggested that a continuing joint committee approach would be desirable and could result in substantial benefit to all the people of the State of California; and

WHEREAS, The State of California has a need for ways and means to expand its diversified economy to complement its unparalleled human, economic, and natural resources; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Committee on Atomic Development and Space is hereby created.

2. The committee shall study the subject of atomic energy and space and its beneficial applications to the economy and the best interests of all the people of the State of California.

3. The committee shall make recommendations to the Legislature for legislation that will best implement future development in this field and make suggestions to the proper governmental bodies as to the State of California's future role in the area of atomic energy and space.

4. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1970 Regular Session, with authority to file its report not later than the fifth legislative day of that session.

5. The committee shall consist of three Members of the Senate and three Members of the Assembly.

6. The joint committee shall have the following powers:

(a) To meet at such times and places as it may deem proper.

(b) To employ such professional, secretarial and clerical staff, together with such special assistants and consultants as may be necessary.

(c) To contract with such other agencies, public or private, as it deems necessary, for the rendition of such services, facilities, studies and reports to the joint committee as will best assist it to carry out the purposes for which it was created.

(d) To cooperate with and to secure the cooperation of county, city, city and county, regional, multicounty and other local agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(e) To report its findings and recommendations to the Legislature and to the people from time to time, making its final report with all deliberate speed.

(f) To do any and all other things necessary or convenient to enable it to fully and adequately exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

7. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly, as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

8. Twenty thousand dollars ($20,000) is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be paid from said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 263

Assembly Concurrent Resolution No. 166—Relative to a pedestrian crossing over Interstate Highway No. 5.

[Filed with Secretary of State August 12, 1968.]

WHEREAS, The crossing where Interstate Highway No. 5 crosses the Mexican border has more international crossings than any other international border in the world; and

WHEREAS, Pedestrians are required to pass through a border station which is located on one side of Interstate Highway No. 5 but there is no facility for pedestrian crossing over or under the highway on the United States side of the boundary and the Commission of the Californias has requested that a pedestrian crossing be constructed; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Highways is requested to study the feasibility and cost of constructing a pedestrian crossing on the United States side of the border, crossing Interstate Highway No. 5, and to report thereon to the Legislature not later than the fifth legislative day of the 1969 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Division of Highways.

RESOLUTION CHAPTER 264

Assembly Concurrent Resolution No. 168—Relative to memorializing Arthur Coons.

[Filed with Secretary of State August 12, 1968.]

WHEREAS, The members were deeply saddened to learn of the recent death of Arthur Gardiner Coons, the prominent California educator; and

WHEREAS, He was born in Anaheim on June 13, 1900, received his A.B. degree at Occidental College, and his M.A. degree and Ph.D. degree at the University of Pennsylvania; and

WHEREAS, He commenced his career in education as an instructor in economics at the Wharton School, University of Pennsylvania, in 1920, later taught at the Anaheim Union High School, the Fullerton Union High School and Junior College, and the University of California at Los Angeles, before joining the faculty of Occidental College as an assistant professor of economics in 1927; and

WHEREAS, He held various positions at Occidental College before becoming president in 1946 and served in that capacity until 1965; and

WHEREAS, The bold imagination and leadership he exercised in educational matters, as well as his energy and integrity, soon established him firmly as one of the leading academic statesmen in California and in the nation; and

WHEREAS, He was chosen to lead the survey team which developed California's Master Plan for Higher Education, which has served as a model for many other states in their efforts to improve higher education; and

WHEREAS, He served as President of the Coordinating Council for Higher Education until ill health forced him to retire from that position; and

WHEREAS, He served on many presidential advisory commissions; in 1956 he was elected President of the American Association of Colleges and for many years he was a member of the board of directors, and twice chairman, of the Los Angeles branch of the Federal Reserve Bank; and

WHEREAS, He held 11 honorary degrees and this year was decorated by Queen Elizabeth II as an Honorary Commander of the Order of the British Empire; and

WHEREAS, He was active in numerous professional and community organizations and made scholarly contributions to the study of economics and of China; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members extend their sincerest condolences to the family and friends of Arthur Gardiner Coons upon his untimely passing; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to his widow, Mrs. Edna Coons; his son Arthur Coons, Jr.; and Occidental College.

RESOLUTION CHAPTER 265

Assembly Concurrent Resolution No. 161—Relative to proclaiming honorary cohostesses of the California Exposition.

[Filed with Secretary of State September 11, 1968.]

WHEREAS, It has come to the attention of the Members of the Legislature that the State of California is represented by two beautiful, talented, and gracious young ladies in the Miss Universe Contest and the Miss America Pageant; and

WHEREAS, The official hostess at the California Exposition and Fair is the Maid of California; and

WHEREAS, The State of California would be well served if, in addition to the Maid of California as the official hostess of the California Exposition and Fair, it had two vivacious and charming young ladies serving as honorary cohostesses at the California Exposition and Fair; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members proclaim henceforth that the Miss California in the Miss America Pageant and the Miss California in the Miss Universe Contest shall serve as honorary cohostesses to the Maid of California, the official hostess of the California Exposition and Fair.

RESOLUTION CHAPTER 266

Assembly Concurrent Resolution No. 169—Relative to the creation of the Joint Committee on Public School Employment.

[Filed with Secretary of State September 11, 1968.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Committee on Public School Employment is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the number of employees in public school employment and the ratio of nonteaching employees to teaching employees, as more fully set forth in As-

sembly Bill No. 1674 of the 1968 Regular Session, including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate, appointed by the Committee on Rules thereof, and five Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3 The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1969 Regular Session, with authority to file its final report not later than March 31, 1969.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.